United Nations CEDAW/C/FJI/1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 March 2000

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial reports of States parties

Fiji Islands*

* The present document is being issued without formal editing.

00-34266 (E) 161000

CONTENTS

		Page
Introduction		4
PART I :	**THE NATIONAL CONTEXT**	5
1.0	The land and the people	5
2.0	The Political System	6
3.0	Economic Situation	6
4.0	Women's Development	7
PART II :	**COMMENTARY ON THE ARTICLES OF THE CONVENTION**	9
Article 1:	The definition of discrimination against women	9
Article 2:	Obligations to eliminate discrimination	13
Article 3:	Measures to guarantee comprehensive advances by women	16
Article 4:	Acceleration of equality between men and women	20
Article 5:	Measures to change sex roles and stereotypes	23
Article 6:	Suppression of the exploitation of women	26
Article 7:	Public life and political participation	27
Article 8:	International representation and participation in international organisations	30
Article 9:	Nationality and citizenship	31
Article 10:	Equality of cultural rights and of the right to education and training	33
Article 11:	Employment	41
Article 12:	Health care and family planning	47
Article 13:	Social and economic benefits	53
Article 14:	Rural life	56
Article 15:	Equality before the law	60
Article 16:	Personal and family law	61
Conclusion		65
References		66

List of Tables and Figures

(I) Figures

	Pages
1 : School drop-outs by age, 1996	34
2 : Educational attainment of adults, by sex and residence 1989-90	57

(II) Tables

1 : Domestic Violence Cases, 1994-98	11
2 : Legal Aid Cases, 1996-98	15
3 : % Literacy Rates by Rural / Urban and Ethnic Group, 1996	21
4 : Women as a Proportion of all paid employees by ethnicity, 1990 & 1993	21
5 : Gender-related development index for Fiji	22
6 : Households & Population in Conventional Dwelling by Type of Households : Females 1996	23
7 : Sexual Offences 1994-1998	24
8 : Number of New Clients - Fiji Women's Crisis Centre	25
9 : Gender empowerment measure for Fiji	28
10: Members of Boards / Councils / Commissions / Tribunals 1996-99	29
11 : Enrolment Primary Education by Age and Sex 1997	34
12 : Enrolment Secondary Level by Age and Sex 1997	35
13 : 1997-99 New Overseas Scholarships	36
14 : Full-time Student Enrolments at University of the South Pacific 1997	37
15 : Local Scholarship Awards by Institution / Level of Study 1997-99	38
16 : Educational Attainment for those aged 15 years and over 1996	39
17 : Teachers by Level and Sex 1997	40
18 : Paid Employment by Major Occupational Groups and Sex for 1996 & 1997	42
19 : Women in the Civil Service 1996	42
20 : General distribution of skilled jobs, by gender 1990	43
21 : Family Assistance Recipients by Ethnic Group and Sex 1996-98	54
22 : Estimated contribution of subsistence agriculture to total agriculture and GDP 1989-1994	58
23 : Per cent of poor households that are headed by women, by marital category and area 1990-91	59

INTRODUCTION

Fiji acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention) in August 1995. In doing so, Fiji became the 139th nation to become a state party to this important convention and affirmed the national commitment to advance the situation of the women of Fiji. Fiji is party to four other United Nations conventions to improve the status of women: the Convention for the Suppression of Traffic in Women and Children, 1921; the Convention on Political Rights of Women, 1954; the Convention on the Nationality of Married Women, 1958; and the Convention on the Rights of the Child, 1993.

The Government nevertheless expressed reservations on two articles of the Women's Convention: Article 5(a) on the grounds that it 'impinges on our cultural values and social norms of behaviour that are the mainstay of traditional societies like Fiji;' and Article 9, on the grounds that it was inconsistent with the provisions of Chapter IV of Fiji's Constitution on citizenship, specifically Sections 26 and 27 of the Constitution which described different provisions for men and women who marry aliens. Following the promulgation of the 1997 Constitution Government approved the removal of the reservations in April 1999.

The purpose of this initial report is to document the progress that has been achieved, the measures that should be taken in the various areas, and the obstacles that remain against the full participation of women in Fiji's society and economy. The first section of the report discusses the national context in which the Women's Convention is being implemented. The second part details the situation in relation to the individual articles of the Convention.

In presenting this report, the Government of Fiji reaffirms its support for the Convention and its determination to progress towards fully meeting its provisions, and encourages all countries of the world to do likewise, as quickly as possible.

PART I - THE NATIONAL CONTEXT

1.0 *The land and the people*

1.1 Fiji is centrally located in the Pacific Ocean, midway between the Equator and the South Pole, and between longitudes 177° west to 174° east and latitudes 15° to 22° south. Although over 100 of Fiji's 330 islands are inhabited, most people live on the two largest islands: Viti Levu, which is 10,430 square kilometres, and Vanua Levu, which is 5,550 square kilometres. The two cities of Fiji—Suva, the capital, and Lautoka—are both located on Viti Levu.

1.2 Most of the islands are of volcanic origin, with high and rugged terrain. Only 16 per cent of Fiji's land is suitable for agriculture, mostly along the coastal plains, river deltas, and valleys. Fiji's climate is tropical maritime with temperatures averaging 22 degrees Celsius (72°F) in the cooler months (May to October). Tropical cyclones are commonplace in this part of the central Pacific, most often between November and April. On average, ten to twelve cyclones each decade affect some part of Fiji, two to three of which are severe storms and wreak far-reaching damage.

1.3 At the end of 1996, the population of Fiji was around 775,077 which is 8% more than in 1986. The growth rate has been dampened by high out-migration in recent years, an outflow predominantly of skilled workers and professionals and their families. This "brain drain" has had many repercussions, particularly on the staffing of schools and medical facilities and, on Fiji's unemployment problems, for the loss of skilled, experienced workers erodes the basis for economic recovery.

1.4 The people of Fiji are predominantly rural dwellers; more than 53 per cent of Fiji's people live in rural areas. The urban population is concentrated in the major cities of Suva and Lautoka.

1.5 Fiji is home to people of many races. Fijians, Indians, Europeans, Chinese, other Pacific Islanders, and people of mixed racial descent live in harmony, yet keeping their own cultures and identity. Just over 50 per cent of the population are Fijians, most of whom live in rural villages. Eighty three per cent of the land is classified as Native Land under their ownership. About 43 per cent of Fiji's population are of Indian ethnicity. Most are descendants of indentured labourers brought to Fiji around one hundred years ago to work in sugar plantations. Through the years they have continued to work the land, becoming prominent in agriculture and commerce. The other 7 per cent of Fiji's population consists of Chinese, Europeans, other Pacific islanders, and a fast growing number of people of mixed descent.

1.6 Citizenship of Fiji is acquired by birth, naturalisation, or registration. The Government grants permits to people who wish to enter and reside in Fiji, either as visitors for less than six months, or on work permits.

1.7 Religion is an important facet of life in Fiji. Fifty-eight percent of Fiji's population are Christians. Other main religions are Hindu (33 per cent), Muslim (7 per cent) and Sikhs (0.4 per cent).

1.8 English is the lingua franca and one of the three official languages of Fiji. The other official languages, Fijian and Hindi, are also widely spoken and taught in schools as part of the curricula.

2.0 *The political system*

2.1 Fiji is a sovereign democratic state and has a bicameral parliament consisting of a President, an elected House of Representatives, and a nominated Senate. Together these institutions exercise the legislative functions of government. A former British colony, Fiji gained independence in 1970 and became a republic in 1987 after two coup d'etats. After the coups, Fiji was run by an interim Government for three years until the first general election was held in May 1992. Another general election followed twenty months later, following the defeat in parliament of the budget bill. An interesting feature of the 1999 election was the increased involvement of women; 27 stood as candidates, the biggest number ever to contest an election. Eight won and three women are now Cabinet Ministers, one of whom is the Deputy Prime Minister.

2.2 The 1997 Constitutional emphasises fundamental rights and freedoms and conforms to all major United Nations instruments relating to representation, land rights, customs, traditions, and cultural inheritance. While the Constitution guarantees special rights of protection and privileges to Fijians it does not deny the rights and freedoms of other citizens such as the rights to life, liberty, security of the person, expression, assembly and association, and protection for the privacy of the home and other property.

3.0 *Economic Situation*

3.1 Tourism and sugar are the mainstays of Fiji's economy. The two industries earned the country some $600 million in 1997 and provided employment to over 80,000 people. The Government has made some progress in diversifying the economy into other areas of enterprise. The forestry sector is expanding into plantation production of pulp chips and sawn timber for export, with annual earnings expected to exceed $100 million by the year 2000. Fisheries' production and exports have also grown in the last four years. The manufacturing sector has grown especially rapidly, led by the garment industry, and now includes high-value products such as leather and furniture.

3.2 The aim of the government's economic policy is to promote growth in the economy and create increased opportunities and jobs for the people. Its strategies are based on the following:

- responsible management of the economy, keeping prices and interest rates low, and maintaining foreign reserves at a healthy level;
- the sugar and tourism industries to continue to be supported as the mainstays of the economy, but greater attention to be given to expanding local production for export in other key areas like manufacturing, agriculture, fisheries, mining and service industries;
- greater effort to be made in co-operation with all sections of the economy, to introduce innovation and new technology, and to raise productivity;
- annual allocations both for Education and Health as a proportion of the National Budget to be increased from year 2000, recognising the critical importance of a well educated and healthy population for increased and sustained growth in the economy;
- a fair taxation system that supports growth in businesses, but which, at the same, is fair to the low income and the poor;
- increased capital investment in upgrading infrastructure and in ensuring the latest in telecommunications technology;

- raising the level of investment in the private sector by introducing special measures and incentives in strategic areas and through the further development of the capital market;
- having a labour and industrial relations environment that is fair and supportive of the interests and welfare of both the workers and owners of businesses.

3.3 Notwithstanding these efforts, Fiji's real GDP growth has been slow in recent years. In nominal terms, the GDP in Fiji dollars rose an average of 5 per cent each year from 1980 to 1988, but in real terms, GDP dropped an average 1 per cent each year. In the wake of the political disturbances of 1987 and the devaluation of the Fiji dollar the same year, the government's operating expenditure was substantially reduced, including its spending on education and social services. The Government restored operational expenditure levels after 1990, and GDP growth has recovered to some extent in the last two years.

3.4 Although economic prospects may be improving, employment opportunities are growing more slowly than the potential labour force is expanding. The age-structure of Fiji's population is changing in a significant way. Today just over one-third (30 per cent) of the Fiji population are aged less than 15 years, a proportion that is decreasing in size (although absolute numbers will decline only slightly). A growing proportion of the population is in the economically active age-group, aged between 15 and 64 years. Over the next decade, therefore, the demand for school places and other services for children is likely to stabilise while the number of young people seeking jobs will increase quite quickly. As people move out of subsistence production, and as more young people pass through secondary school, the number of job-seekers swells. Women constitute the fastest growing group of job-seekers. Every year around 15,000 school leavers enter the labour market of which only 3,000 are absorbed into paid employment. Some of the remainder are absorbed in tertiary institutions or informal employment but many join the growing pool of unemployed. The problem of unemployment, the growing imbalance in income distribution, and the pressure on Government to provide social services in the face of sluggish economic growth have generated considerable discussion of ways to increase investment and develop new avenues of growth.

3.5 Another major area that is confronting Fiji is the increase in poverty and the uneven income distribution between different parts of the country and between rural and urban areas. About one quarter of Fiji households were classified as poor in 1991[1]. Government has introduced policies and programmes for poverty alleviation and civil service organisations [CSOs] have been actively involved in providing services to those who are vulnerable.

4.0 *Women's Development*

4.1 Since 1960, a section has existed in Government to look after the interests of women. This was upgraded to Ministerial level in April 1998, creating a full-fledged Ministry of Women and Culture. The Ministry is responsible for assessing Government policies as to their social, economic and political impact on women; and encouraging and monitoring the integration of women in national development. The Ministry underwent a change in role from a service delivery organisation to one of policy formulation and intervention thereby upgrading its status to being the primary adviser to government on public policy issues that affect women. With the current institutional strengthening project the Ministry will be strengthened so that it can play a significant role in advocating for the advancement of women.

[1] Fiji Poverty Report, 1997: 2

4.2 The Ministry's work is complemented by that of other government departments and many women's civil society organisations (CSOs), both local and international, some of which have been working for decades to improve the status of women in Fiji. CSOs have been active advocates for improving women's legal status and reducing their exposure to abuse. They have done a great deal to raise public awareness about socially unjust practices and circumstances in which women are denied their full legal, political, economic and social rights. Emphasis has been on community development, legal literacy training, business training, environmental management, leadership development, voter education, domestic violence counselling, health awareness and home management. This also includes training of para legals and community workers to act as first points of contact in local areas.

PART II COMMENTARY ON THE ARTICLES OF THE CONVENTION

Article 1: The definition of discrimination against women

> ***Provisions of CEDAW:***
>
> *For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

The Constitution

1.1 The principle of non-discrimination on the basis of gender is guaranteed in the 1997 Constitution. Section 38 (1) of the 1997 Constitution states: *'Every person has the right to equality before the law. (2) A person must not be unfairly discriminated against, directly or indirectly, on the grounds of his or her:*

a) actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or

b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others;

or on any other ground prohibited by this Constitution.'

1.2 Protection against discrimination on the basis of sex was first included in the 1990 Constitution. The 1997 Constitution has however broadened the definition of fundamental rights and freedoms by including birth, gender, sexual orientation, primary language, economic status, age or disability. It also broadened the earlier proscription on discrimination against political or religious beliefs to any nature of opinions or beliefs.

Differential Treatment of men and women

1.3 While Fiji law provides protection against discrimination, in practice women still experience some forms of discrimination, both directly and indirectly. The differential treatment of men and women is evident, for example, in patterns of employment and violence.

1.4 Prevailing attitudes about appropriate social, cultural and economic roles for women and men, together with various practices, such as those that limit women's ability to work outside the home, serve to channel men and women into different levels of the labour force. The absence of equal opportunity legislation has further allowed for the *de facto* segregation of job opportunities by gender, both on the basis of these attitudes and practices and through institutional restrictions on the employment of women in particular fields.[2]

[2] UNFPA. 1995.

1.5 A 1997 report by the International Labour Organisation (ILO) on women workers in Fiji found that, 'Often excluded from the "good jobs" in society, women are not able to obtain a fair share of the benefits of economic activity.' The study found that this was evident in both the informal and formal sectors, even though the formal sector comes directly within the realm of government policy. In the private sector, the jobs held by women tend to be those with lower pay, less skills, less authority, and less security.[3] This is also so in the civil service. For example, in 1994, women comprised 44 per cent of middle positions and 49 percent of lower positions. Among men the ratio of those in the lower level to those in the upper and middle levels is 3.75 to 1; for women, the same ration is 15 to 1.[4] Another study found that in the civil service, women were only half as likely to be promoted as men.[5] Because of their concentration in certain types of lower-paying jobs, women in general have less earning capacity than men. As well, there remains a gender bias in some wages council orders, to the disadvantage of women.[6]

1.6 The ILO study however noted that aside from direct discrimination and male actions, many women themselves made choices about their lives that help to maintain the economic differences between themselves and men. For example, women enrol at a much lower rate than men in the training programmes that lead to higher positions in the formal sector and women who do obtain such training prepare for a narrow range of work activities. The study found that the limited number of women in higher level formal sector positions tends to discourage young women from seeking the training that would qualify them for those positions. Yet as more women enter higher level jobs, this will help change attitudes and practices that have generated and preserved the patterns of employment.

1.7 The differential treatment of men and women is also evident in gender-based violence—violence directed against a woman because she is a woman or which affects women disproportionately—and the penalties it attracts. Women commit relatively few crimes but suffer disproportionately as victims. This is especially so for such violent crimes as sexual assault, aggravated assault, spousal abuse, and incest.[7] Domestic violence and sexual abuse are significant causes of women's injury and illnesses.[8] (Imprisonment of men also causes great hardship to women and their children who often lose their main source of financial support.) Sexual harassment is an issue that is not well appreciated in Fiji, although it is a pervasive form of discrimination against women, particularly in the workplace. While police records show that the number of sex-related crimes in Fiji is growing these statistics partly reflect the increased likelihood that the crime will be reported, as women become more aware of their rights.

[3] ILO, 1997:i
[4] ILO, 1997:ii
[5] Department of Women, 1994:18
[6] ILO, 1997:vi
[7] Adinkrah, 1995:15.
[8] Government of Fiji and UNICEF, 1996.

Table 1: **Domestic Violence Cases 1994-98**

	1994	1995	1996	1997	1998
Murder	4	2	2		4
Attempted Murder			1		1
Manslaughter			1		
AWITCGH	40	31	56	32	51
AOABH	183	354	404	430	605
Common Assault	39	72	211	85	115
Other Offences Against Person	12	11	15	14	28
Total	278	470	690	561	804

Source: Fiji Police Force Department

AOABH - Assault Occasioning Actual Bodily Harm

AWITCGH - Act with intent to cause grievous harm

1.8 The prevalent attitudes about gender-based violence are reflected in the relatively lenient penalties imposed on offenders. For example, rape is a form of violence that is particularly directed against women. Despite the serious nature of this crime, Fiji's courts tend to treat rape and indecent assault as reconcilable in the same way as common assault and it is currently the only form of serious crime that can be reconciled. Furthermore, the Fijian custom of *bulubulu* (apology and recompense/reconciliation) is accepted by the courts as a reason not to impose a charge or custodial sentence on a convicted rapist. In some cases, the victim's father accepts the apology and the victim has little say in the outcome. This situation is changing, largely as a result of active lobbying by women's organisations. This is evident from a recent judgement by a magistrate for the award of the maximum sentence. The magistrate commented: *"Women are your equal and therefore must not be discriminated on the basis of gender. Men should be aware of the provisions of the CEDAW, which our country had ratified. Under the Convention the State shall ensure that all forms of discrimination against women must be eliminated at all costs. The courts shall be the watch-dog with the obligation. The old school of thought, that women were inferior to men, or part of your personal property, that can be discarded or treated unfairly at will, is now obsolete and no longer accepted by our society. I hope that this sentence imposed on you, shall be a deterrent to all those, who are still practising this outmoded evil and cruel behaviour."*[9] Offences against property are, however, still more likely to attract custodial and lengthier sentences than rape, even though rape is a felony for which the maximum sentence is life imprisonment.

Review of Legislations

1.9 Since the promulgation of the 1990 Constitution and the ratification of the Women's Convention, government has embarked on a programme of reviewing legislations so that they are consistent with the Constitution and international conventions that Fiji has ratified. These include the :

- Employment Act and the Industrial Relations Bill
- Worker's Compensation Act

[9] Fiji's Daily Post: 20 Jan, 2000

- Penal Code with regards to the law on sexual offences
- Family Law
- Evidence Law

Whilst work in these areas has commenced, it is envisaged that the reference for domestic violence will be given in 2000.

International Conventions & Treaties

110 Fiji is a party to the following conventions which are central to women's equality:

- International Convention of the Suppression of Traffic in Women and Children 1921
- Convention on Political Rights of Women 1954
- Convention on the Nationality of Married Women 1958
- Convention on the Rights of the Child 1993
- International Convention of the Elimination of All Forms of Racial Discrimination
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Article 2: Obligations to eliminate discrimination

Provisions of CEDAW:

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake

- *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;*
- *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- *To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- *To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- *To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;*
- *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- *To repeal all national penal provisions which constitute discrimination against women.*

Human Rights Commission

2.1 Section 42 of the 1997 Constitution establishes a Human Right Commission. Since women's rights are human rights, this is an important mechanism available to women to address complaints of discrimination. Part IV of the Human Rights Commission Act 1999 provides the procedures for complaints and investigations.

The functions of the Commission are

(a) to educate the public about the nature and content of the Bill of Rights, including its origins in international conventions and other international instruments, and the responsibilities of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other organs of the general assembly of the United Nations for promoting respect for human rights;
(b) to make recommendations to the Government about matters affecting compliance with human rights, including the making of a recommendation that a particular question about the legal effect of a provision of the Bill of Rights be referred to the Supreme Court for its opinion; and
(c) to perform other functions as are conferred on it by a law made by the Parliament.

2.2 The Human Rights Commission was established in 1999. Although the Commission has just commenced its work, it will have a wide influence on the implementation and the monitoring of the Women's Convention.

2.3 The Human Rights Commission Act 1999 has further defined the areas in which unfair discrimination is prohibited:

Section 17 (1) It is unfair discrimination for a person, while involved in any of the areas set out in subsection (1), directly or indirectly to differentiate adversely against or harass any other person by reason of a prohibited ground for discrimination.

(2) Without limiting subsection (1), sexual harassment, for the purposes of this section, constitutes harassment by reason of a prohibited ground of discrimination.

(3) The areas to which subsection (1) applies are-

(a) the making of an application for employment, or procuring employees for an employer, or procuring employment for other persons;
(b) employment;
(c) participation in, or the making of an application for participation in, a partnership;
(d) the provision of an approval, authorisation or qualification that is needed for any trade, calling or profession;
(e) the provision of training, or facilities or opportunities for training, to help fit a person for any employment;
(f) subject to subsection (4), membership, or the making of an application for membership, of an employers' organisation, an employees' organisation or an organisation that exists for members of a particular trade, calling or profession;
(g) the provision of goods, services or facilities, including facilities by way of banking or insurance or for grants, loans, credit or finance;
(h) access by the public to any place, vehicle, vessel, aircraft or hovercraft which members of the public or entitled or allowed to enter for use;
(i) the provision of land, housing or other accommodation;
(j) access to, and participation in, education.

(4) Subsection (3) (f) does not apply to access to membership of a private club or to the provision of services or facilities to member of a private club.

2.4 In the area of employment application and advertisement the Human Rights Commission Act provides the guideline as stated in Section 23.

(1) It is unfair discrimination -

(a) to use or circulate any form of application, or to make an enquiry of or about any person seeking employment, which indicates, or could reasonably be understood as indicating, an intention directly or indirectly to differentiate adversely by reason of a prohibited ground of discrimination; or
(b) to publish or display, or cause to allow to be published or displayed, any advertisement or notice which indicates, or could reasonably be understood as indicating, an intention to differentiate adversely by reason of a prohibited ground of discrimination.

Legal Aid Commission

2.5 The Legal Aid Commission, established in 1996 through the Legal Aid Act 1996 provides legal assistance in the following circumstances:

Section 5 (2)
(a) free of charge;
(b) subject to the payment by the legally assisted person of a contribution;
(c) by contributing towards the cost of legal services obtained by legally assisted persons; or
(d) by such other means as the Commission considers appropriate.

Although it is expected that the bulk of those needing this service will be women, there is no specific provision to give women priority in accessing such assistance.

Table 2 : **Legal Aid Cases 1996-1998**

Category	Divorce	Maintenance	Affiliation	Custody	Variation	Others	Total
1996	348	101	39	11	24	6	529
1997	461	43	11	7	11	-	543
1998	383	34	4	7	3	-	431

Source: Department of Social Welfare Annual Report 1998

Ombudsman Office

2.6 Fiji also has an Ombudsman's Office established under the Ombudsman Act 1970. The Ombudsman Office provides a mechanism by which people who consider they have been unfairly treated by Government agencies can complain. The Ombudsman can take action where an official regulation or procedure has been breached.

Repeal of discriminatory laws

2.7 Some discriminatory laws have been repealed such as those relating to citizenship. Prior to 1997-98, the alien husband of a female national could acquire citizenship by registration. Since 1997 citizenship for both either spouse of a male or female national is either by registration or nationalisation.

2.8 Another law that was amended related to the option provided to women to withdraw from the Fiji National Provident Fund (FNPF) upon marriage. Although this was perceived as supportive to women, in some cases women were compelled by their spouses to withdraw from the Fund so that their pension could be used for family obligations. Since July 1999, women are no longer entitled to withdraw their FNPF contribution upon marriage. (Fiji National Provident Fund [Minor Amendment] Act]

Review of Evidence Law

2.9 The Fiji Law Reform Commission is also reviewing the Evidence Law. In cases of rape major concerns are the removal of the need for the complaint's sexual history to be introduced; the removal of the requirement that her word must be corroborated by other evidence; the removal of the ability of judges to warn about uncorroborated evidence.

Article 3: Measures to guarantee comprehensive advances by women

> ***Provisions of CEDAW:***
>
> *States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

3.1 The Fiji Law Reform Commission is working to bring Fiji's laws into conformity with new principles of family law and gender equity. The legislation concerned are: Adoption of Infants Act, Chapter 58; Criminal Procedures Code, Chapter 21; Income Tax Act, Chapter 20; Juveniles Act, Chapter 56; Legal Aid Act, Chapter 15; Maintenance (Prevention of Desertion and Miscellaneous Provision), Chapter 54; Marriage Act, Chapter 50; Matrimonial Causes Act, Chapter 51; Magistrates Court Act, Chapter 14; Penal Code, Chapter 17; and the Widows and Orphans Pension Act, Chapter 80.

National Policies

3.2 Government's programmes for women has undergone a shift from a welfare approach ie. delivery of services to meet specific needs or address gaps - to women and development ie. integrating women into the development process - to mainstreaming ie. examining and addressing the structural mechanism for disadvantage and fulfilling women's strategic needs such as their participation in decision-making bodies, legal literacy, review of laws, integrating women's interests and concerns in policy / programme formulation, implementation and evaluation etc.

3.3 As far back as 1980 Government has had a standing policy of integrating women in the national planning process. The *Development Plan Eight, Development Plan Nine, 1993 Opportunities for Growth* all state that Government is committed to *"ensuring that women are integrated into the national development process as equal partners with men"*. The latter also identified the need to adopt a mainstreaming approach of women and gender perspectives in the development process in order to address the inequities prevalent in society. It recognised that despite the women-specific programmes, there was a need to address the structural mechanisms that work against the improvements in the status of women. This commitment to mainstream was again reiterated at the 1995 United Nations 4th World Conference for Women that was held in Beijing in 1995.

3.4 In 1997 the document *Development Strategy for Fiji: Policies & Programmes for Sustainable Growth* stated that government's policies and strategies will include:

- Ensuring a gender-balanced partnership at all levels of decision-making;
- striving for equal partnership in political, economic and social development;
- promoting equal opportunity in employment;
- assisting disadvantaged women and young women in their economic activities;
- promoting safe domestic and workplace environments for women and children;
- examining legislation with the view to safeguarding the human rights of women;
- integrating women's concerns into all planning and policy areas.

The policy document is for the whole of government and therefore influences the work of all arms of government.

Government's Broad Outcomes

3.5 The current government has identified the following as its broad outcomes to be achieved between 1999-2003. All have implications for the advancement of women.

- Making Fiji Islands a country and society with no discrimination based on gender, race, religion, colour or creed
- Making the Fiji Islands a country and society that gives opportunities to all, particularly giving young people hope for the future
- Making the Fiji Islands a country and society that protects and supports the disadvantaged and the needy
- Making the Fiji Islands a country and society that is prosperous with a decent standard of living for all our people
- Making Fiji a country and society where people are assured of their future security and rights as people of one nation.

Women's Plan of Action

3.6 In October 1998 the Government launched the *Women's Plan of Action 1999-2008* (WPA) which identifies the directions for actions for the commitments Fiji made at the 1995 Fourth Conference on Women, in Beijing. These commitments were to:

- allocate additional resources to develop women's micro-enterprises and encourage financial institutions to review lending policies to disadvantaged women and young women who lack traditional sources of collateral;
- work towards achieving a gender balance partnership at all levels of decision-making and assign 50 per cent of representation, participation, training, appointments and promotions at all levels of government to women on merit, and encourage the same in the private sector;
- promote a sound and stable environment that is free of violence, especially domestic violence, sexual harassment and child abuse;
- review laws that are disadvantageous to women; and
- mainstream women and gender concerns in the planning process and all policy areas.

Institutional Mechanisms

3.7 Several institutional mechanisms have been set up to promote gender equity. These include the:

(a) National Women's Advisory Council (NWAC)

In August 1999 Cabinet approved the setting up of the NWAC. The 12 member NWAC, appointed for a period of two years is comprised of gender advocates and specialists and representatives of women's NGOs. The NWAC's main task is to advice the Minister for Women on women's issues and concerns and the gender impacts of

relevant public policies, programmes, projects. It is also a consultative mechanism for NGOs on the review of the WPA and other emerging issues affecting women.

(b) Inter-Ministerial Committee on Women (IMCW)

The IMCW was set up in November 1998. Its membership is from seventeen (17) ministries / departments and representatives are at the Deputy Secretary level. Its roles and functions are to

- Set the broad directions and priorities for the implementation of the WPA;
- Co-ordinate the implementation of the WPA;
- Assess the progress of the implementation and recommend future actions to further the objectives of the WPA;
- Facilitate the production of annual reports and document the achievements, the progress made and report on continuing work of the WPA to the Minister for Women.

(c) Gender Focal Points (GFP)

GFP have been set up in17 ministries/departments. They are at Deputy Secretary level. Their role and functions are to:

- Ensure the implementation of the WPA by facilitating the integration of the identified priority actions into their ministry's policies and programmes;
- Assist in monitoring, evaluation and reporting on the implementation of the WPA;
- Advise the Ministry for Women and the respective ministries of the overall needs in the area of gender and development;
- Promote the development of gender sensitive policies, programmes and practices in their respective ministries.

The Ministry of Agriculture has taken the idea of the gender focal points further and has set up its own Gender Steering Committee to facilitate the ministry's internal implementation. It is envisaged that other key ministries will also set up similar committees.

(d) Task Forces (TF)

Five TFs have been established to work specifically on the five areas of commitments namely:

- Mainstreaming of Women and Gender Concerns
- Women & the Law
- Micro-enterprise Development
- Shared Decision-making
- Violence against women and children

The membership of the TFs are from government ministries and relevant NGOs working in co-operation to implement the WPA. In November 1999 the Task Force on Violence against Women and Children launched the national campaign to eliminate violence against women, especially domestic violence.

Gender Training

3.8 Gender training

Gender training is carried out at both the public and private sector and also at community level. Although it is still primarily at the awareness raising level, some have targeted specific issues and contribute to creating a supportive environment for gender equity and development.

Within the public sector, the Centre for Training and Development has overall responsibility for public service training. Although it does not offer gender specific courses since it focuses on improving productivity and efficiency, the Ministry for Women has been able to integrate general gender training into their training programmes.

The Ministry for Women has also organised gender training in the Minerals Department, Customs Department, Ministry of Fijian Affairs, Ministry of Regional Development, Police Department and Department of Social Welfare.

CSOs and international organisations also regularly provide training for the Police Department, the Judiciary, Parliamentarians and the private sector.

Gender Budget Initiative

3.9 Gender Budget Initiative

In April 1999 Cabinet approved the establishment of a pilot project to develop a gender sensitive approach towards the formation of the national budget. The project will be managed by the Ministry of Finance in conjunction with a steering committee. The first phase will include the Ministries of Health, Education, Agriculture, Commerce, Industry & Co-operatives and the Public Service Commission. Training will begin in February 2000.

Gender Audit

3.10 As part of the Women's Plan of Action, a Gender Audit project will commence in the Ministry of Agriculture in 2000.

Article 4: Acceleration of equality between men and women

> ***Provisions of CEDAW:***
>
> *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

4.1 Section 44 of the 1997 Constitution states that:

(1) The Parliament must make provision for programmes designed to achieve for all groups or categories of persons who are disadvantaged effective equality of access to:

a) education and training;

b) land and housing; and

c) participation in commerce and in all levels and branches of service of the State [emphasis added].

(3) A person may take special measures in accordance with this section for the purpose of achieving substantial equality between different groups or different categories of persons.

(4) A person does not discriminate against another person under Section 38 by taking those special measures.

Social Justice Legislation

4.2 Despite the requirement for programmes of affirmative action under Section 44 of the 1997 Constitution there are no laws in place that have the express purpose of accelerating the equality of women. However the Government is currently drafting the Social Justice Legislation that will put this into effect and will be introduced in 2000. It will include measures to accelerate *de facto* equality between men and women.

Affirmative Action Initiatives

4.3 There are currently two programmes of government that are considered as affirmative action programmes for women: membership of boards and micro-enterprise development for women.

4.4 The prevailing bias that favours males is reflected in the low participation of women at the decision-making levels of public and statutory bodies. In 1995 out of a total of 209 boards and committees with a total membership of 2120, only 291 were women. In 1993 the government approved a policy to increase women's membership of boards/committees/councils by 30-50% in the next five years. As a result of this policy decision, appointing authorities (Ministers) were encouraged to consult with the Minister for Women on women's membership and the Ministry for Women set up a Nominations Register to facilitate this work. By 1998 women's membership of boards had increased to 17.2%.

4.5 Women are particularly involved in the informal sector, both because of their restricted access to formal employment and sometimes by choice.[10] A major area of difficulty encountered by women in the informal sector is lack of capital because of the requirement by financial institutions for collateral. In 1993 the Ministry for Women introduced the Women's Social & Economic Development Programme (WOSED) to support women from low income households. Since its inception WOSED has assisted about 600 women. The Fiji Development Bank also administers the New Zealand Loan Scheme, a credit scheme for women only. The maximum amount that can be borrowed is $F10,000 and the minimum is $F1,000. Interest rate is 12% and the term is for 5 years. The total loan portfolio as at June 1999 was $F470,999. From July 1998 to June 1999, about 81 applications were received. Of this number, 33 were approved with a loan value of $78,838.

Narrowing the Gap

4.6 Over recent decades, the gap between women and men in regard to education and employment has been narrowing. The narrowing of the education gap is evident in Table 3 which shows that men and women have more similar levels of literacy.

Table 3 : **% Literacy Rates by Rural / Urban & Ethnic Group 1996**

	Total	Fijian	Indian	Rural	Urban
Total	**92.9**	**96.5**	**88.7**	**91.8**	**94.2**
Males	94.5	96.9	91.6	93.4	95.7
Females	91.4	96.1	85.8	90.1	92.8

Source : 1996 Census, Bureau of Statistics

4.6 Table 4 shows that women remain a minority in respect of paid employment but that this gap is narrowing slowly.

Table 4 : **Women as a proportion of all paid employees, by ethnicity, 1990 and 1993**

Ethnicity	1990	1993
Fijian	31.6	32.6
Indian	27.5	27.7
Others	34.5	35.0
Total	**29.9**	**30.5**

Source: Bureau of Statistics, 1997

[10] Women's Plan of Action, 1998: 48

A summary measure of the status of women is the Gender-Related Development Index (GDI), which was developed by the UNDP Human Development Reports.[11] The highest possible value for the GDI is 1.0, indicating perfect gender equality. Of the 174 countries listed in the 1999 report, 45 were in the high human development category ie with an GDI value equal to or above 0.800; 94 in the medium category ie between 0.500-.799; 35 in the low development category ie less than 0.500. Table 5 shows that Fiji's ranking is in the medium category but the GDI also shows that there is still a significant degree of gender inequality.

Table 5 : **Gender-related development index for Fiji**

Country	GDI Value	Real GDP per capita 1997 (PPPS)		Life expectancy (years) 1997		Adult literacy rate (%) 1997		Combined prim, second & tert enrolment ratio 1997 (%)	
		Female	Male	Female	Male	Female	Male	Female	Male
PNG	0.564	1,915	3,348	58.7	57.2	64.7	82.0	33.0	40.0
Fiji	0.749	1,897	6,014	74.9	706	89.4	94.1	79.0	81.0
NZ	0.900	13,757	21,177	79.7	74.1	99.0	99.0	99.0	92.0
Australia	0.921	16,526	23,944	81.1	75.5	99.0	99.0	100	100

Calculated from UNDP, 1999

[11] UNDP, 1999: 138-40

Article 5: Measures to change sex roles and stereotypes

Provisions of CEDAW:

States Parties shall take all appropriate measures:

- *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*
- *To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

5.1 In April 1999 government approved the removal of the reservation on this Article.

Patriachal Values

5.2 The norms of most ethnic communities in Fiji are based on patriarchal values which traditionally dictate a deference to men as heads of the family and community. People generally expect that a husband has authority over his wife and she must obey and respect him. The family is the central social unit, and there is resistance to admitting that women are discriminated against. Official surveys reveal that married women are rarely described as the head of a household, even though they may be the principal income-earner. Having a female head usually implies that an adult male has left the household through death, divorce or desertion. The number of female headed households is increased as shown in Table 6. There is nevertheless increasing acceptance that the welfare of the family is the equal responsibility of men and women. The Government, religious organisations, and most social organisations are beginning to promote this view.

Table 6 : **Households & Population in Conventional Dwelling by Type of Households : Females 1996**

Household Type	Total	Rural	Urban
Population Total	19,451	9,466	9,985
One person	2,065	891	1,174
Nuclear	5,463	2,604	2,859
Extended	11,192	5,712	5,480
Composite	731	259	472

Source: 1996 Census, Bureau of Statistics

5.3 Stereotypes about 'women's work' lie behind the heavy work burden many women in Fiji face, of both working at a paid job and being fully responsible for domestic chores. Sex roles and stereotypes also lie behind the gender-segregation of Fiji's labour market. One quarter of all employment opportunities for women are in five occupations: clerical work, teaching, nursing, factory work, and sales work, particularly in junior and low-paying positions.[12]

5.4 It is still generally considered appropriate in Fiji for the male head of the family, or any husband, to chastise his wife and children. This 'licence' is exacerbated by social and economic pressures on families, including substance abuse, and sometimes extends to serious or criminal harm. Women and children are the main victims. Police records for the period 1992 to mid-1995 show that 40 per cent of homicide cases were domestic-related; three out of every four persons murdered was female; and in almost half the cases the victim was a child. Related sexual stereotypes include the attitude that different standards of sexual behaviour apply to men and women. This situation puts women at considerable risk, not only from violence or marital breakups but of contracting sexually transmitted infections (STI). Present patterns of STI and HIV infection demonstrate that the largest group of women at risk of infection are wives who contract these diseases within wedlock, from their one sexual partner.

No-drop Policy

5.5 There is growing awareness of the seriousness of these crimes. Women are being encouraged more to report domestic violence, although their seeking legal redress is still restricted by cultural pressures or legal processes that emphasise their marital obligations and reconciliation. Until recently, most such cases coming before the criminal court were withdrawn under Police advice. Since 1995, however, the Police have followed a 'no-drop' policy, to ensure that domestic violence is fully addressed by the law and, more recently, introduced gender training for all officers. The 'no-drop' policy has limitations in that it tends to be restricted only to relationships within marriage and in some parts of Fiji, it is not being implemented fully.

Sexual Offences Unit

5.6 In May 1995 a Sexual Offences Unit was established in the Central and Southern Divisions and the Western and Northern Divisions by the Police Department. The Unit handles specific cases of sexual assault and abuse and where counselling is necessary, referrals are made to the Department of Social Welfare and other CSOs working in the area. The Fiji Police Department also has its Protocol with the Ministry of Health, Ministry of Education and Department of Social Welfare on the treatment of cases of child abuse.

Table 7 : **Sexual Offences 1994-1998**

Offences	1994	1995	1996	1997	1998
Rape / Attempted Rape	118	122	105	103	91
Indecent Assault	63	83	107	109	107
Defilement of Girl Under 13					
Defilement of Girl between 13-16	67	51	59	66	74

[12] UNFPA, 1995.

Incest	2	3	5	2	10
Unnatural Offences	9	10	20	19	18
Others Against Public Morality	72	125	80	97	89
Total	340	412	391	402	392

Source:Fiji Police Department

NGO Advocacy on Domestic Violence

5.7 CSOs have been involved actively in raising awareness on domestic violence and sexual harassment and providing counselling and support services. There are very few facilities for 'safe houses' for women and children who are at risk of violence in their homes

Table 8 : **Number of New Clients seen at the Fiji Women's Crisis Centre**

	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Domestic Violence	5	26	35	57	123	175	212	245	248	241	285	335	469
Rape	3	3	3	9	8	5	9	4	10	15	30	30	26
Child Abuse	-	3	2	1	1	1	-	11	8	14	13	33	29
Others	-	39	83	92	180	211	203	244	259	391	566	490	-
Total	8	71	123	160	312	392	424	504	525	661	894	888	993

Source: Asia - Pacific Post Beijing Implementation Monitor, 1999: 246

Shared Responsibility

5.8 Initiatives are underway to promote the concept of shared responsibility in the homes. This has included work by international organisations, including UN agencies, mainly producing advocacy materials portraying men and women in other than their traditionally accepted roles. Various CSOs have provided public education so that women can better defend the rights they have and understand those they do not have. For example, some have promoted the principle of equal pay for equal work raising public awareness for traditional stereotypes in the employment sector.

Article 6: Suppression of the exploitation of women

> ***Provisions of CEDAW:***
>
> *States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Prostitution illegal

6.1 Under the Penal Code, 1944: Cap.17, prostitution is illegal in Fiji. Specific provisions of the Penal Code prohibit the operation of brothels; the buying or selling of minors under age 16 for immoral purposes; male or female persons living on the earnings of prostitution; persistently soliciting; aiding the prostitution of another woman; or loitering for the purposes of prostitution.

6.2 The Penal Code does not penalise the clients but the sex workers themselves and to that extent, the law discriminates against prostitutes *vis-a-vis* their clients. Another form of discrimination is the way in which prostitutes, or people suspected of being such, are treated by the courts. Laws relating to violence against individuals apply equally to prostitutes. In practice, however, the sexual history of a prostitute, particularly a woman, is often taken into account in judging such a case. The penalties imposed on their attackers are therefore sometimes light. Some CSOs are lobbying to change this situation and to make working conditions for sex workers more safe.

6.3 Prostitution is not generally condoned in Fiji and prostitution is considered to be an immoral act as much as it is a crime. Although there is no reliable data on its extent or characteristics, prostitution appears to be growing in its extent. It does not necessarily involve trading sex for cash on an organised basis but can also involve casual sexual liaisons in exchange for meals, clothes, 'pocket money' or other gifts. Research into the links between economic need and sex work has found that most women sex workers in Fiji are motivated by economic pressures caused by unemployment, divorce or desertion, the failure of men to pay maintenance for their children, and the lack of assistance from their extended families.[13] The low wages and poor working conditions low-skilled women face encourages some to supplement their incomes through sex work. In order to counter prostitution, it is therefore necessary to also tackle the poor and discriminatory conditions of women's employment and their unequal responsibility for child support.

6.4 In January, 2000 the Fiji Law Reform Commission initiated discussions with major stakeholders in this area with the view to gauging public opinion on the issue.

[13] Plange, 1990.

Article 7:: Public life and political participation

Provisions of CEDAW:

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- *To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- *To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- *To participate in non-governmental organisations and associations concerned with the public and political life of the country.*

7.1 The right and freedom of every person to join a political party and vote is enshrined in the Constitution. Chapter 2 of the 1997 Constitution summarises the principles under which the Constitution is framed:

Section 6: The people of the Fiji Islands recognise that, within the framework of this Constitution and other laws of the State, the conduct of government is based on the following principles:

(f) the rights of a citizen include the right to form and join political parties, to take part in political campaigns, and to vote and to be a candidate in free and fair elections of members of the House of Representatives held by secret ballot and ultimately on the basis of equal suffrage.

7.2 Section 55 of the 1997 Constitution states that all people can register as voters who:

a) have reached the age of 21 or such other age as the Parliament prescribes;

b) are citizens of Fiji; and

c) have been resident in Fiji for the two years immediately before their application for registration.

Parliamentary representation

7.3 Since Independence, there have been women in both the House of Representatives and the Senate but, until 1992, never more than three members of Parliament at any time. In the 1999 General Elections, 27 women contested the elections out of a total of 251 candidates. Of the 27 women, 8 were elected. Three women have been appointed Cabinet Ministers, one also holding the title of Deputy Prime Minister and two as Assistant Ministers. In the Upper House that comprises 38 senators, there are currently 7 women, one of whom is the Vice President of the Senate.

7.4 The Gender Empowerment Measure (GEM) was developed by UNDP to gauge whether women can participate as actively as men in economic and political life.[18] Table 9 shows that Fiji's ranking is low, indicating that women have some opportunities to participate in political and economic affairs in Fiji, but considerably less so than men.

Table 9 : **Gender empowerment measure for Fiji**

	GEM	Seats in parliament (% women)	Administrators & managers (% women)	Professional & technical wkers (% women)	Women's real GDP per capital (PPPS)
Solomon Is	-	2.0	-	-	1,886
PNG	0.255	1.8	11.6	29.5	1,915
Fiji	0.327	5.8	48.3	10.5	1,897
Australia	0.707	25.9	43.3	25.5	16,526
New Zealand	0.700	29.2	24.2	49.6	13,757

Calculated from UNDP, 1999

7.5 Women are concerned about their rights and livelihoods but local politics is generally male-dominated, especially within traditional communities. Women's representation in public offices and participation in national affairs has also been limited by general social attitudes and their lack of confidence. This is reflected in the low participation of women even at lower decision-making levels of public and statutory bodies. This situation is being addressed by some CSOs which are encouraging and training women to participate more actively in politics and to stand for election to local and national governments.

Women in Local Government & Boards & Committees

7.6 Women's representation on public boards and committees is at 17 per cent overall in 1998. Table 10 shows the increase in number of women in decision-making bodies. Women's participation is highest in areas that relate to their traditional role as caregivers, namely on the boards of old people's homes, hospitals and health centres. Few women serve as elected members of town and city councils. Of the 138 members of the eleven municipal councils in 1999, 15 are women; one of whom is a Mayor and two Deputy Mayors. Only 7 per cent of the members of Rural Local Authorities are women. A separate government administration with jurisdiction applicable only to Fijians operates in each province through a council appointed by the Minister for Fijian Affairs. In 1997, there were 31 out of a total membership of 483 of the fourteen provincial councils. The apex of the Fijian Administration is the Great Council of Chiefs, has only five women members. In 1994, there were only four women Justices of the Peace, and only three religious organisation have women priests who are also Marriage Officers, that is, persons registered to perform and solemnise marriages.

[18] UNDP, 1999:142-4.

Table 10 : **Members of Boards/Councils/Commissions/Tribunals 1996-99**

Name	1996			1997			1998			1999		
	M	F	T	M	F	T	M	F	T	M	F	T
Boards	1082	237	1319	1022	224	1246	997	242	1239	899	236	1135
Councils	1784	121	1905	751	132	883	567	110	677	580	120	700
Committees	263	22	285	305	21	326	337	43	380	322	37	359
Commission	36	2	38	65	16	81	67	15	82	48	9	57
Tribunals	91	11	102	23	7	30	25	4	29	27	5	32
Total	**3256**	**393**	**3649**	**2166**	**400**	**2566**	**1993**	**414**	**2407**	**1876**	**407**	**2283**
% of Total	**10.8**			**15.6**			**17.2**			**17.8**		

Source: Public Service Commission MIS Unit, 1999

Trade Unions

7.7 Fiji has well-established trade union movement. Although women's membership is large, vey few hold management positions. Two large public sector unions, the Fijian Teachers Association and the Fiji Nurses Association are headed by women. Some trade unions have their own women's wings who have been carrying out training programmes for their members on women's and gender issues. The trade union movement has fostered the emergence of women leaders, and these women have been powerful advocates for women's rights.

Public Service

7.8 In terms of senior or managerial positions in the public service, there are 22 women out of a total of 160 officers in the management cadre , making up 14% per cent of upper level civil servants. To date there are only two female Permanent Secretaries and three Deputy Secretaries. Within public corporations and the private sector, there is a growing number of senior women executives and women professionals in all fields, predominantly education, health, commerce and law, but they form a minority.

Civil Society Organisation

7.9 Despite their low profile in official decision-making bodies, Fiji women maintain a significant presence through civil society organisations. These organisations have led the way in championing human rights and exposing their abuses, including the long campaign against nuclear testing in the Pacific and on other important issues. Within the CSO community, however, women hold top positions only in organisations which have mostly women members.

Article 8: International representation and participation in international organisations

> ***Provisions of CEDAW:***
>
> *States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.*

Foreign Service

8.1 Fiji maintains diplomatic relations with most countries in the world, is a member of the Commonwealth of Nations, the United Nations and Pacific regional organisations, such as the Pacific Community and the South Pacific Forum. There is only one woman at ambassadorial level; and one woman at First Secretary level and two at Second Secretary level. The other few women in Fiji's foreign service are at lower-levels. In January 2000 the Public Service Commission for the first time advertised the vacant foreign service posts in the daily newspaper. Calling itself an 'equal employment employer', the Public Service Commission is providing an equal opportunity for all Fiji citizens, male or female to apply for the vacant positions.

Regional & International Organisations

8.2 A small number of Fiji women hold executive positions in international and regional organisations, including the Pacific Community and United Nations agencies.

Peace Keeping

8.3 Fiji has been involved in international peace keeping for the last 15 years. Since 1995 service women in the Fiji Military Forces have been part of the peacekeeping force in Sinai and Lebanon. In the Police Force, 4 women were part of the Fiji contingent to the United Nations Mission in Croatia.

United Nations World Conferences

8.4 Fiji is signatory to all of the major UN conventions, including those resulting from the 1990 World Summit for Children, the 1992 UN Conference on Environment and Development, the 1994 International Conference on Population and Development, the 1995 World Summit for Social Development, and the 1995 Fourth World Conference on Women. Where appropriate women have been part of Fiji's delegation to these meetings.

Article 9: Nationality and citizenship

> ***Provisions of CEDAW:***
>
> *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
>
> *States Parties shall grant women equal rights with men with respect to the nationality of their children.*

9.1 In April 1999, government approved the withdrawal of the reservation on this Article.

9.2 Chapter 3 of the 1997 Constitution Act states that *citizenship may be acquired by:*

a) birth;

b) registration; or

c) naturalisation.

The Parliament may not make a law providing for the acquisition of citizenship in any other way.

9.3 The 1990 Constitution granted citizenship to any person born in Fiji either of whose parents was a citizen at the time of their birth—a right previously granted only if the father was a citizen. The 1997 Constitution Act further allows that children born overseas to any Fiji citizen, man or woman, have the right to become Fiji citizens—a right also previously limited to the children of male citizens. These constitutional amendments remove the previous discrimination against Fiji women who wished their children to be citizens.

9.4 Under the 1997 Constitution, provisions regarding foreign spouses apply equally to men and women. Previously, the wife of a male national could become a citizen by registration, almost automatically, yet the husband of a female national had no such right. This was discriminatory to Fiji women for if their husband's application for citizenship was rejected—as they sometimes were—they were effectively forced to leave Fiji because their husband had no right to stay, and they thereby lost their right to live in their country of nationality. The 1997 Constitutional Section 12(7)) changed this condition, as follows:

An application for citizenship by registration made by an adult who is or has been married to a citizen must be granted if the applicant:

has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application; and

complies with such other conditions as the Parliament prescribes.

This removes the privileged access to citizenship previously enjoyed by foreign wives by applying a residency requirement for all foreign spouses. The grounds for approving citizenship applications are now clearly defined and gender neutral.

9.5 Women citizens have the right to hold a Fiji passport in their own right, regardless of a husband or any other family member's consent. Applications for a child's passport require both parents' signatures, and some foreign visas require both parents' consent. Concern regarding a child's use of a passport generally relates to his or her risk of being abducted, usually by one parent. Fiji's 1996 Implementation Report on the Convention of the Rights of the Child noted that existing legislation does not adequately protect children or their parents from illicit transfer or non-return.

9.6 These improvements in equal access to nationality and citizenship for people in Fiji which were embodied in the 1997 Constitution were actively lobbied for by women's CSOs since 1990.

Article 10: Equality of cultural rights and of the right to education and training

Provisions of CEDAW:

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women :

- *The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- *Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- *The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*
- *The same opportunities to benefit from scholarships and other study grants;*
- *The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- *The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;*
- *The same opportunities to participate actively in sports and physical education;*
- *Access to specific educational information to help to ensure the health and well-being of families including information and advice on family planning.*

10.1 Section 39 of the 1997 Constitution states that:

(1) *Every person has the right to basic education and to equal access to educational institutions.*

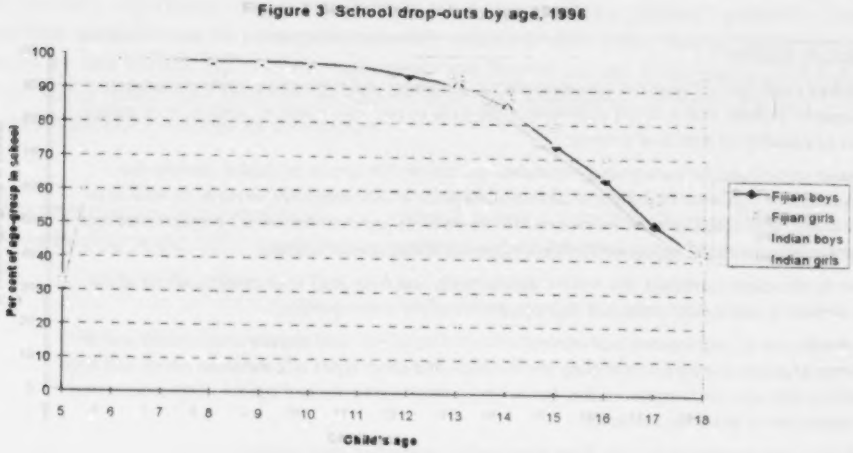
(2) *Every religious community or denomination and every cultural or social community has the right to establish and maintain places of education and to manage them, whether or not it receives financial assistance from the State.*

(3) *The admission policy of a place of education referred to in subsection (2) may be administered on the basis of the need to maintain its special character but, subject to that, those concerned in its management must ensure that it is open to all qualified students without discrimination on any ground prohibited by this Constitution.*

Primary School

10.2 Primary school education is accessible to almost all children in Fiji, with 98 per cent of 5-6 year olds enrolling in school. There is a high level of school attendance despite the fact that it is neither free nor compulsory (the latter being the case in two pilot districts only). The 1996 national census results show that school attendance for boys and girls of all ethnic groups has increased over the past decade to a high level by international standards. Figure 1 shows the overall retention rate up to the age of 18 years, with girls tending to remain in school longer than boys. Major drop-out points for students are the transition to secondary school and national academic examinations in the 8th, 10th and 12th years of school.

Figure I



Source: 1996 census, provisional tables, Bureau of Statistics

10.3 Despite the high national enrolment rates, the Ministry of Education and some CSOs are aware that some children do not complete primary school for various reasons, including family financial difficulty.[15] As well, secondary education is less widely accessible than primary school because of the higher costs involved, the geographic distribution of schools, and the inadequacy of the present system to meet the needs of students of all academic capabilities. There are various Government and CSO programmes to assist financially disadvantaged students to remain at school.

Table 11 : **Enrolment Primary Education by Age and Sex 1997**

Age	Males	Females	Grand Total
Under 6	3,539	3,486	7,025
6	8,911	8,419	17,330
7	9,144	8,641	17,785
8	8,712	8,058	16,770
9	9,455	8,861	18,316
10	9,767	9,371	19,138
11	9,190	8,737	17,927
12	7,553	7,018	14,571
13	5,313	4,901	10,214
14	1,685	1,210	2,895
15	414	268	682
16 and Over	82	46	128
Total	**73,765**	**69,016**	**162,781**

Source: Ministry of Education - Annual Report, 1997

[15] Children's Coordinating Committee, 1996.

Secondary School

10.4 All primary schools and tertiary institutions are co-educational, while some secondary schools and vocational institutions are gender-specific. There are about equal enrolments of boys and girls at primary and secondary schools, and their levels of achievement are similar. Boys and girls have access to the same curricula, examinations and teaching staff.

10.5 Values education is a high priority where students are inculcated with a stronger feelings of national consciousness and respect for others and one another's multi-cultural heritage.

Table 12 : **Enrolment Secondary Level by Age and Sex 1997**

Age	Males	Females	Grand Total
Under 13	2,704	2,675	5,379
13	4,266	4,343	8,609
14	6,725	7,004	13,729
15	6,539	7,045	13,584
16	6,212	6,470	12,682
17	4,600	4,812	9,412
18	2,683	2,541	5,224
19 and Over	794	685	1,479
Total	**34,523**	**35,575**	**70,098**

Source : Ministry of Education - Annual Report 1997

Vocational education & training

10.6 At the post-secondary level, however, boys out-number girls, particularly in the science and technical fields, in vocational education, and particularly as scholarship holders. The fact that women enrol at a lower rate than men in vocational and training programmes that lead to higher positions in the formal employment sector contributes in a significant way to their subordinate position in the work force and economy.[8] The reasons for this situation are not obvious in terms of institutional barriers to girl's progress, but appear to result from attitudes that define appropriate social, political and economic roles for men and women in Fiji.[17] A contributory factor too is that there are more vocational schools and boarding facilities for boys than girls. While there have been no specific efforts to revise textbooks or school programmes to eliminate sex-role stereotypes, such discrimination is not overtly promoted.

[8] ILO, 1997:ii.
[17] ILO, 1997:ii.

Tertiary Level

10.7 From 1987 to 1991, 44 per cent of all scholarships for tertiary studies were awarded to females. Of scholarships for overseas study, however, only 26 per cent went to women. By 1993, the female share of overseas awards had increased to 44 per cent, through efforts to improve gender equality.[18]

Table 13 : **1997 - 99 New Overseas Scholarships**

Field of Study	1997		1998		1999	
	Males	Females	Males	Females	Males	Females
Administration	2	2				
Agriculture	0	1			2	0
Architecture	2	0			0	2
Bldg Sc / Quantity Survey	0	1				
Bus Studies / Economics	4	2			3	8
Geology	1	1				
Education / Arts	0	1			0	1
Engineering	10	3	9	5	8	1
Environment	0	1	2	0		
Forestry	0	1			1	2
Health / Medical	3	1	3	1	1	3
Information	1	0	0	1		
Legal Studies	0	2				
Nautical	1	0	2	0		
Printing / Design	1	0	2	0		
Science / Mathematics	1	1	2	2	1	0
Surveying	0	1				
Town / Urban / Regional / Planning	0	1			0	1
Veterinary Science	0	1	1	2		
International Baccalaureate	1	0	0	1	1	1
Land Information			1	4	0	1
Meteorology			0	1		
Sports Studies			2	3		
Tourism			0	1		
Construction					1	3
Taxation					2	0
Total	**24**	**21**	**24**	**21**	**20**	**23**

Source : PSC Scholarship Unit, October 1999

[18] Department of Women, 1994:41.

10.8 Enrolment figures for the University of the South Pacific show there are more male students than females (56 per cent and 44 per cent, respectively). Women predominantly pursue traditionally female areas of studies, such as education, community development, library studies, language, early childhood studies, and social science, although more women are being attracted into subjects such as science, medicine, management and law. Women's enrolments are lowest in science and agriculture-related studies. Their enrolment also declines markedly at graduate study level, to 31 per cent of students in Masters programmes and 25 per cent in Ph.D. programmes.

Table 14 : **Full-time Student Enrolments at University of the South Pacific, 1997**

Subject area	Females (%)
Education & Humanities	55
Agriculture	25
Law	37
Business & Economics	43
Management & Administration	47
Other Social Science	46
Pure & Applied Science	39

Source: USP Statistics, 1997

10.9 The vocational bias is also evident in that women comprise only 29 per cent of students at the Fiji Institute of Technology. Here, too, they are concentrated in the traditionally female areas of secretarial studies and hotel and catering. Few female students enrol in engineering trades or maritime studies. Since 1997 the Fiji Institute of Technology has offered a limited number of scholarships to female students enrolling in non-traditional female courses such as pilot training, engineering. At the Fiji College of Agriculture, women comprise just over 20 per cent of students, in part because there was for a long time an informal policy to limit their entry to the college. It is not clear to what extent this general pattern of enrolment reflects such informal policies or whether it demonstrates a need to further encourage girls and women to explore wider vocational choices. The courses provided by vocational institutions often reflect a specific gender orientation, such as the focus on farming, engineering and construction for boys, and on sewing and cooking at girls' training centres. During the review of the of the Fiji College of Agriculture in 1998, changes have been introduced with the inclusion of gender training to its curriculum and its procedures and practices.

Table 15 : **Local Scholarship Awards by Institution / Level of Study 1997-99**

Institution / Level of Study	1997		1998		1999	
	Males	Females	Males	Females	Males	Females
University of the South Pacific (BSc / Bed)	21	37	26	25	52	37
Fiji School of Medicine (Diploma / MBBS)	38	33	31	36	29	24
Fiji Institute of Technology (Diploma)	6	3	17	1	16	2
Fiji College of Advanced Education (Diploma)	66	84	79	71	81	66
Fiji College of Agriculture (Diploma)	16	7	15	6	17	3
Corpus Christi Teachers College (Certificate)	11	9	10	10	10	10
Fiji Textile Clothing & Footwear(Diploma)	2	2	0	4	0	4
Lautoka Teachers College (Certificate)	89	91	90	90	82	98
Total	**249**	**266**	**268**	**243**	**287**	**254**

Source : PSC Scholarship Unit, October 1999

10.10 Education has become more accessible in recent decades. The previous educational disadvantage of girls is evident in the significant difference between the education attainment of older men and women, a difference that varies by ethnic group. The most disadvantaged group is Indian female adults, of whom 14 per cent had no formal education, followed by Indian male adults, of whom 6 per cent had no formal education. (The comparable figures for Fijian females and males are 2.5 and 1.8 per cent, respectively.) The general educational disadvantage of women in comparison to men, and the specific disadvantage by ethnicity, is evident in Table 16. In the adult Fijian population, educational opportunities have been fairly evenly distributed. The opportunities were more unequally distributed for the adult Indian population, in that fewer children attended school but tended to stay on longer, and that girls were particularly disadvantaged. These adult figures reflect past disadvantages that are now being addressed. They are decreasingly evident in younger age-groups.

10.11 Formal education attainment is closely linked to employment opportunities in the adult population. Educational disadvantage thereby translates into economic disadvantage, dependency and sometimes poverty. For women, this disadvantage limits their prospects for formal employment, a situation that is compounded by other forms of job discrimination.

Table 16 : **Educational Attainment for those aged 15 years and over 1996**

Educational Attainment	Total	Males	Females	Fijians	Indians
	100.0	**100.0**	**100.0**	**100.0**	**100.0**
Never Attended	3.1	1.7	4.4	0.8	5.7
Primary	17.4	17.3	17.4	17.5	18.1
Secondary	69.6	69.8	69.5	73.7	66.2
Post Secondary	9.9	11.1	8.6	8.0	10.0
Others	0.0	0.1	0.1	0.0	0.0

Source: Derived from Bureau of Statistics, 1990.

Sports

10.12 Sports and physical education are well catered for in Fiji schools and girls and boys equally participate in them. There are regular district and national school sports competitions which are well supported by the schools, Government and private sector sponsors. Fiji also has a long history of successful participation in regional and international sports events, and women are equally part of these teams. There are also active school programmes to involve students in music, drama and cultural events.

Teachers

10.13 The overall proportion of male and female teachers in Fiji schools is fairly even, with women comprising 52 per cent of all teachers in 1995. Yet women are disproportionately employed at senior levels. Their contribution to school staffing falls from 60 per cent of teachers at primary school level, to 30 per cent in secondary schools, to only 15 per cent in tertiary institutions. Training has been provided to female teachers by the women's wings of the teacher's trade union. This distribution, together with the small number of women who hold senior posts, must reinforce sex stereotyping among school-children. It is evident that more effort is needed to discourage the stereotyping of boys and girls by directing them to some vocations and not others; to ensure that girls and women are not discriminated against in the schools; and to recognise the equality of women at all stages of education.

Table 17: **Teachers by Level and Sex 1997**

Type of Institution	Males	Females	Grand Total
Primary	2,042	2,969	5,011
Secondary	1,880	1,639	3,519
Teacher Training	62	33	95
Special Education	16	60	76
Grand Total	**4,000**	**4,701**	**8,701**

Source: Ministry of Education - Annual Report 1997

Fiji Islands Education Commission 2000 [FIEC]

10.14 In January 2000 the FIEC began its work. One of its objectives is to examine the *participation, access and equity to support social justice and redress disadvantage for identified groups including Fijian students; students with special and diverse needs; women and girls and rural students and the economically disadvantaged.* The Commission's work will have a major impact on the whole education system including women and girls.

Article 11: Employment

Provisions of CEDAW:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- *The right to work as an inalienable right of all human beings;*
- *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; and*
- *The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
- *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
- *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
- *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.1 The Health and Safety at Work Act, 1996, sets out procedures to ensure the health and safety of workers, but makes no provision for the special needs of women. There is still no legal provision to excuse pregnant women from heavy work, to protect them from exposure to harmful substances, nor from working excessively long hours. Moreover, this legislation is restricted to formal sector employees.

11.2 The Amendment to the Employment Act, 1996, removed an earlier restriction on women working beyond 8:00 p.m. As night work was already occurring, the amendment was made to regularise an existing practice, rather than extend women's choices. Economic pressures may make it difficult for women to choose not to work at nights. An area of difficulty is the lack of provision of transport for those on night work. The Minister retains the right under the Employment Act to prohibit women and children from employment in certain occupations.

11.3 Women accounted for 32.6 per cent of total paid employment in 1997.[19] Despite their growing participation in the formal employment sector, women remain concentrated in lower-paid, lower-level jobs. In the private sector, women tend to be more often wage-earners than salary-earners, hold junior positions, and be engaged as non-unionised labour.

[19] ILO, 1997.

Table 18 : **Paid Employment by Major Occupational Groups and Sex for 1997 and 1996**

	1997			1996			% Change
	Males	Females	Total	Males	Females	Total	
Legislators, Senior Officials & Managers	3,425	671	4,096	4,586	914	5,500	-25.5
Professionals	8,121	8,481	16,602	6,090	5,687	11,777	41.0
Technicians & Associate Professionals	7,236	2,772	10,008	7,247	3,816	11,063	-9.5
Clerks	6,807	8,202	15,009	7,784	7,802	15,586	-3.7
Service Workers & Shop & Market Sales Workers	10,423	4,443	14,866	9,978	4,130	14,108	5.4
Skilled Agricultural & Fishery Workers	901	36	937	794	44	838	11.8
Craft & Related Workers	12,334	1,607	13,941	12,856	1,512	14,368	-3.0
Plant & Machine Operators & Assemblers	8,933	6,645	15,578	8,243	6,384	14,627	6.5
Elementary Occupations	15,743	4,488	20,231	14,610	4,018	18,628	8.6
Armed Forces	3,456	25	3,481	3,554	32	3,586	-2.9
Total	**77,379**	**37,370**	**114,749**	**75,742**	**34,339**	**110,081**	**4.2**

Source: Bureau of Statistics- Annual Employment Survey 1997

11.4 Just over two-thirds (44 per cent) of women in paid employment in Fiji work for Government, most in the lower levels of the civil service or in middle management. Table 19 shows that 49% of women in the civil service are at the lower level. Most organisations claim to base their recruitment on merit, yet men get recruited or promoted to most higher level positions. A case in point is in education where the majority of teachers are women, but those who are promoted to management positions are predominantly men.

Table 19 : **Women in the Civil Service, 1996**

	Per cent at each level	
Level of Post	**Men**	**Women**
Upper Level	92	8
Middle Level	79	21
Lower Level	51	49
Ratio of lower to other levels	4:1	15:1

Source: ILO, 1997.

11.5 Section 140 of the 1997 Constitution states that

The recruitment of persons to a state service, the promotions of persons within a state service and the management of a state service must be based on the following principles:

(a) government policies should be carried out effectively and efficiently and with due economy;

(b) appointments and promotions should be on the basis of merit;

(c) men and women equally, and members of all ethnic groups, should have adequate and equal opportunities for training and advancement;

(d) *the composition of the state service at all levels should reflect as closely as possible the ethnic composition of the population, taking account, when appropriate of occupational preferences.*

In 1999 the Public Service Commission has begun to incorporate the above section in its Official Circular that advertises for vacant positions. It also labels itself as an 'equal opportunity employer." Section 140 (c) above is also stated as one of the Public Service Values in the Public Service Act 1999. *Section 4 (6)) of the Public Service Act 1999 further states that "The public service provides a working environment that is free from discrimination".*

11.6 Since 1998 work has commenced on developing equal employment opportunity guidelines. Both the Public Service Commission and the Ministry for Labour & Industrial Relations are in the process of introducing a policy guideline that will cover this area. It is also being incorporated in the performance agreements of the chief executives of the public service. In the case of the Ministry for Labour, the issue of EEO has been incorporated into the draft Industrial Relations Bill. The Police Department introduced its EEO policy in 1998.

11.7 There are several factors that contribute to women's subordinate position in the Fiji economy.[20] Other than their previous educational disadvantage, discussed above, there is some direct discrimination in hiring and promotion. Fewer women than men enrol in training programmes that lead to higher positions in the formal sector, and those women who do usually prepare for a narrow range of work. In the absence of equal opportunity legislation, the *de facto* segregation of employment opportunities—held in place by both men's and women's attitudes about work and status—restricts women to generally lower paid jobs. Their limited access to formal jobs is reflected in their large involvement in the informal sector, principally in agriculture or fishing or petty trading.

Table 20 : **General distribution of skilled jobs, by gender, 1990**

Occupational Category	Men	Women
Teachers & medical workers	42%	58%
Other professional, technical & related workers	83%	17%
Administrative & managerial workers	91%	9%

Source: ILO, 1997

[20] ILO, 1997.

11.8 Women's participation in the labour market is growing faster than for men, both because more women are joining the labour force and because the occupations where women are traditionally employed have been expanding. This growth in female employment has been concentrated in an area of low wages and often poor and insecure working conditions. Policies to encourage tax-free factories to establish in Fiji succeeded in creating approximately 12,000 new jobs between 1987 and 1993, of which approximately 10,000 were for women. The Garment Wages Council Order of 1993 provides a minimum wage for unskilled workers in the garment industry of 94 cents per hour. The Fiji Poverty Report (1997:80) found that for women who were sole income earners, this rate of pay placed their household in the bottom 5 per cent of the national income distribution. Skilled garment workers earned in 1995 between F$1.41 and F$1.76 an hour, which, for a single earner, placed their household in the bottom 18 per cent of the national income distribution. This was considerably below other skilled workers but on a par with cashiers and clerks, occupations that also employ mostly women. [21]

11.9 It has been estimated that, on average, women earn the equivalent of 88 per cent of male wages.[22] There are no laws in Fiji that mandate equal pay for work of equal value, nor a national basic minimum wage. Wages are instead negotiated on a industry-by-industry basis. In the absence of any anti-discrimination law, women workers can face various forms of disadvantage, including lower pay than men.

11.10 Major employers provide group insurance schemes, credit facilities and housing loans as additional benefits to their workers, but these benefits are limited to formal sector workers. Casual, domestic, and all informal sector workers—two thirds of Fiji's total workforce—are excluded.

11.11 Progressive employers (including the Government) provide maternity benefits to women workers, such as 84 days maternity leave on full pay for the first three births (and a $5 a day allowance for subsequent births) and the entitlement to use their annual leave in conjunction with maternity leave. However, there is no law in Fiji that makes maternity leave or related benefits mandatory or equal for all workers. For women working in the private sector, section 74 of the Employment Act covers their rights during pregnancy and maternity. Where there is no other agreement governing the amount of maternity pay, they are entitled to a maternity allowance of $5.00 a day. The Employment Act excludes some categories of workers from maternity leave benefits, namely casual workers, domestic workers and those who have been employed for less than 5 months—a peculiar limitation in that other workers need only work for three months before they enjoy annual leave benefits.

11.12 Women may not be dismissed if they cannot return to work after taking 42 days maternity leave. They may stay away from work for a further three months if they have certified medical cause. But if they stay away from work more than two extra weeks, they have no protection from dismissal even if they are certified medically unfit to resume work. Nor can they choose to take their 84 days leave in one block (after birth, as most women would prefer) but are obliged to take this leave in two blocks, 42 days before and after birth, unless their employer agrees otherwise. Women who exercise their option to work during their pre- or post-confinement period may not be compensated for forfeiting their leave.

---

[21] In Fiji Poverty Report, 1997:80.

[22] ILO, 1997.

11.13 Many types of women's work are not covered by the Employment Act, including domestic workers (cooks, house servants, child nurses, gardeners and washerwomen), garment factory work and several other industries that mainly employ women, and informal sector workers generally. Domestic workers (predominantly women) have no statutory benefits, such as paid annual or maternity leave, nor the right to seek worker's compensation for injuries. Their minimal protection makes them subject to the whims of their employers. The lack of legislation covering these categories of work, or the ruling that the legislation does not apply to such workers, is discriminatory, and further implies that women's paid work is not deserving of legal protection. The draft Industrial Relations Bill is looking into all these areas that are disadvantageous to women.

11.14 A lack of knowledge of employment laws can allow workers to be disadvantaged in various ways. Some employers do not sufficiently inform workers of their rights and responsibilities, being fined only a nominal amount for not displaying the relevant wages regulation in the workplace.

11.15 Women's unpaid household work usually involves household work, subsistence farming or fishing, caring for other people, or community work. While this is commonly a significant part of a women's work contribution, it is little acknowledged in national economic policies or development plans. Its invisibility is evident in other ways also, such as in regard to matrimonial property laws. On divorce, the distribution of property is usually decided in Court according to the financial contributions the husband and wife each made to family income, but disregarding the unpaid domestic labour of women.

11.16 Under Fiji law, women workers have no guaranteed entitlement to child care or to paid leave to attend sick children. If a working woman does not have family or friends to assist her at these times, she has to use her own leave benefits or request her employer for leave without pay. Child-care facilities are generally not provided by employers. Apart from those child-care facilities provided by the private sector, CSOs are involved in the provision of these services.

11.17 While there have been no comprehensive studies of sexual harassment against women in the workplace in Fiji, anecdotal evidence suggests it occurs especially in industries that employ mainly women and involve them in low-paid, low-skilled and insecure work with male supervisors. While there are no specific laws against sexual harassment but section 154(4), of the Penal Code may cover some situations of sexual harassment, as follows: *"Whoever, intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman or girl, or who intrudes upon the privacy of a woman or girl by doing an act of a nature likely to offend her modesty, is guilty of a misdemeanour, and is liable to imprisonment for one year."* The burden of proof in criminal offences is, however, proof beyond a reasonable doubt. Given the nature of sexual harassment, this is a difficult burden to discharge. In civil matters, the complainant would only have to prove the sexual harassment, "on the balance of probabilities", a somewhat easier burden to discharge. The civil service, statutory agencies, major multinational organisations and some large companies have internal mechanisms in place to deal with conspicuous cases of sexual harassment. Many women workers nevertheless remain insufficiently protected. CSOs have been involved in awareness raising on this issue and the Industrial Relations Bill has also incorporated this concern.

11.18 In their review of women workers in the formal sector in Fiji, ILO (1997) recommended that, to improve the quality of employment for women and remove discriminatory practices against them, the Government, employers' and workers' organisations together should:

- review employment legislation in light of Article 11 of the Women's Convention and basic ILO Conventions relevant to women workers, with the view to explicitly prohibit direct or indirect discrimination on the grounds of sex, pregnancy, marital status, child birth and family responsibilities in respect of hiring, terms and conditions of work, training and education, promotion and termination;
- revise labour standards which set special protective measures for women workers;
- amend the chapter in the Employment Act dealing with maternity protection, particularly in regard to maternity pay and protection against unfair dismissal;
- eliminate the gender bias in wages council orders;
- amend the Employment Act to provide paid sick leave and paid public holidays to all workers;
- review the provisions in the National Provident Fund Act and the Public Wage Orders which adversely affect women's employment because of their marital status;
- adopt policies to enable workers with family responsibilities to engage in employment without discrimination, such as allowing affordable child care facilities and possibilities for part-time work and flexible working hours;
- strengthen the enforcement of women worker's rights and actively improve their working conditions;
- Promote gender awareness training and awareness about women workers' rights, such as how to deal effectively with sexual harassment and concerns about promotion;
- monitor women's employment, systematically collect sex-dissagregated labour data, and conduct relevant research, in order to better inform policy making; and
- launch a pilot equal opportunity or affirmative action programme to analyse how employment practices and education directly or indirectly discriminate against women.

11.19 Further developments in this sector will be facilitated with the ratification of ILO Conventions 100 [Equal Remuneration] and 111 [Discrimination] that were recently approved by the Labour Advisory Board.

Article 12: Health care and family planning

Provision of CEDAW:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Health care services

12.1 The Primary and Preventative Health Services (PPHS) continue to provide first line medical care to the general public from 100 Nursing Stations, 74 Health Centres as well as preventative and promotive health care to women and children. All health centres and nursing stations provide routine services, ante-natal and post-natal care, family planning, and developmental screening for children. Nearly all child births are attended by trained personnel.

12.2 There are 2,747 members of the medical staff who are providing health care services resulting in over 2 million patient contacts per year, including approximately 60,000 hospital admissions per year. The Doctor population ratio stands at 1:2066 and the Nurse population ratio 1:460 based on the 1996 population figure of 772,655. There are approximately 3,000 village or community health workers trained by the Ministry of Health for six weeks to provide primary health service to the community. 98% of these community health workers are women who either operate from community built dispensaries or their own homes.

Health Indicators

12.3 *Causes of death and illness*

For females between the ages of 20 and 64 years the Age Specific Mortality was estimated at 285 per 100,000 population per year. The major reported causes of female deaths are Circulatory diseases (35%), Endocrine / Metabolic diseases (14%), Neoplasms (11%), Respiratory diseases (7%) and Infectious / parasitic diseases 9.65%

Birth related causes are responsible for 42.12% of infant and child deaths, respiratory infections 16.08%, congenital anomalies 12.54%, Infectious / parasitic diseases 9.65%.

12.4 *Maternal deaths related to childbirth*

The overall Maternal Death rate of 44 per 100,000 live births for the year 1997 is somewhat high by international standards but Fiji compares quite favourably with other countries in the region.

12.5 *Infant and Child Deaths*

The infant mortality rate (IMR) for Fiji is considered good when compared to other countries of the Pacific. The IMR has improved from 41 in 1975 to the present IMR of 16.

Acute Respiratory Infection (ARI) and Diarrhoeal diseases are the main causes of death for children under 5 years ARI alone accounts for 30-50% of visits by children to our health facilities, and 20-40% of hospitalization nation wide. To counter the problem of ARI and Diarrhoeal diseases the MoH has produced a policy guideline which outlines objectives, target / goals and activities undertaken.

12.6 *Life Expectancy*

The World Health Organisation estimates life expectancy at birth in Fiji to be 72 years based on the 1995 mortality data. Women are expected to live 4.3 years longer on average. The 1986 Census conducted by the Bureau of Statistics estimated the life expectancy at birth to be 63.1 years for Fijian males and 65.3 years for Fijian females. For Indian males life expectancy was estimated at 59.6 years and for Indian females life expectancy was estimated at 65.1years.

Fiji has exceeded the WHO standard of a life expectancy of not less than 60 years by the year 2000.

12.7 *Fertility*

The average total fertility for a woman in Fiji was estimated in 1995 to be 2-3 children per woman over her lifetime. The annual number of births has remained fairly steady over the years ith 29.8 per 1000 live births in 1984 and 23.5 per 1000 live births in 1994. The birth rate for Fijian of 29.7 per 1000 live births in 1995 is considerably higher than the birth rate of 18.9 per 1000 live births for Indian the same year.

12.8 *Behaviour risky to health*

Nationally, cigarette smoking causes 300 preventable deaths each year, representing the largest preventable cause of death in Fiji. According to the 1993 National Nutrition Survey smoking remained common among men (46%) than women (12%) with a high prevalence in rural communities (49%) than in urban areas (39%). Young people, both male and female, are a priority population for smoking prevention as about 7000 teenagers take up smoking each year across Fiji.

The Ministry of Health was instrumental in the passing of the Tobacco Control Bill in Parliament in 1998. Anti Tobacco campaigns address all members of the population particularly pregnant and breastfeeding mothers and young people.

Major Health Problems

12.9 Nutrition

Anaemia is a widespread problem in Fiji and anaemia in pregnancy is known to be a cause of low birth weight. The 1993 NFNC Survey found that sixty two percent (62%) of pregnant Indian women were anaemic compared to 52% of Fijian pregnant women.

There is also a high prevalence of overweight and obesity with more women being obese than men. The 1993 Fiji National Nutrition Survey indicates that 41% of all adult women and 24% of men are overweight. On average 33% of people aged 18 years and over were either overweight or obese by Body Mass Index (BMI). It is highest among Fijian women with 75%.

12.10 Access to Health Care

There is currently a shortage of doctors particularly in rural areas. The commencement of the Nurse Practitioner course in 1998 should boost the provision of services and enhance access to health care particularly in rural areas. Also in recent times the Ministry of Health has been upgrading health facilities so that they can cater for the basic health care needs of their communities.

12.11 Obstacles to use of health care services

Women in Fiji find it difficult to talk about issues pertaining to their health without embarrassment especially when they are in a situation in which they feel unsupported and little attention is given to their problems or queries.

12.12 Reproductive Health and Sexual Health

(a) Contraception

Family planning services have been widely available in Fiji for thirty years, and are provided free in all Government medical facilities, with support from international donors. The emphasis is on the health benefits of well-spaced births and a range of methods is available to people. CSOs supplement the services provided by Government and private doctors by promoting family planning and health to rural women.

The impact of the Family Planning programme has reduced the birth rate to 21.9 per 1000 population. The contraception prevalence rate in 1997 was 43.93 per cent, with the following protection rates of the various methods used in Fiji.

- Pills (oral contraceptives) 15.27%
- IUCD : 13.68%
- Condoms: 16.25%
- Injections: 8.3%
- Female Sterilisation: 30.09%
- Vasectomy: 0.21%
- Natural Method: 5.92%
- Norplant:0.27%

Barriers to contraceptive use include myths on contraception, ignorance on the availability of contraceptives or on the use of contraceptives.

These are overcome by education of people via the media (advertisements on Family Planning) and first hand contact with Family Planning users. Efforts are being made to involve males more in family planning. CSOs are organising reproductive health awareness programme for both males and females.

(b) **Teenage Pregnancy**

Teenage pregnancies (13 years of age to less than 20 years) remain an issue of concern to health officials, educators, social welfare workers and the community at large. Teenage pregnancies and birth are high risk when taking into consideration the physical maturity status of young girls. Teenage pregnancy / birth account for about 8% of all births in Fiji between 1996-1998 of which 80% of these teenagers were married at the time of delivery.

To assist young people two new initiatives have been undertaken. This includes the setting up by the Ministry of Health of the Adolescent Centre for Reproductive Health in 1999 to provide peer counselling and STI screening and the Youth Wing of the Reproductive & Family Health Association in 2000.

(c) **Abortion**

Abortion is illegal in Fiji, except where the abortion is necessary to protect the mother's physical or mental health, it then being termed a "therapeutic" abortion. Sections 172-174 of the Penal Code define abortion as follows: *"Any person who with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or noxious thing, or uses any force of any kind, or uses any other means whatsoever, is guilty of a felony, and is liable to imprisonment for fourteen years."* There are understandably no accurate statistics of the incidence of abortion. In practice, safe abortion is available to women who can pay the high cost of private practitioners. Others, who can not afford professional care, resort to "back street" abortions or various traditional methods, many of which are unsafe.

(d) **Sterilisation**

The number of women who have undergone sterilisation (tubal ligation) has remained steady for the past 10 years with 51.6% of all Family Planning users in 1995 compared to 40.09% in 1994. Actual acceptance by men for male sterilisation (Vasectomy) has been slow with 0.18% in 1993 and 0.21% in 1997. Public education on male sterilisation has been promoted.

(e) **Cancer**

Females account for considerably more cases each year than males with cancers of the reproductive tract being predominant. Cervical cancer is still the leading cause of cancer deaths in Fiji. The incidence of cervical cancers is high in Fijian women of whom 72 cases were diagnosed in 1997, followed by Indian women with 50 cases and Others with 4 cases diagnosed. Of all cases diagnosed the majority were in the 45-54 age group.

Many women in Fiji die from this disease because they lack access to regular screening or vigorous treatment. Campaigns to promote pap smears have been mounted by Government and CSOs, yet it is not routinely available for most women. Screening for breast cancer by mammography is available in the main national hospital in Suva. Health workers also show women how to self-examine.

(f) **Sexually Transmitted Infections**

Sexually transmitted infections are increasing with 1299 cases of Gonorrhoea and 904 cases of Syphills reported in 1995. There may be significantly higher numbers that go unreported. Syphilis has been on the rise since the early 1970s when detection methods were likely improved and reporting became more common.

A study that was conducted among antenatal mothers in 1992 showed a 20% prevalence rate of chlamy diainfection. A report on fertility and reproductive survey released for 1994-1995 revealed that a significant number of women in Fiji regardless of education and economic activity do not know that gonorrhoea and syphilis are types of STIs.

(g) **HIV / AIDS**

In 1998, cumulative total of 43 cases of HIV infection had been reported to the Ministry of Health. It is recognised that HIV / AIDS case reporting, often referred to as passive surveillance, provides an incomplete picture of the development of HIV epidemic. The bulk of this group were between the ages of 20 and 40 and Fijians outnumber Indians by about two to one. There have also been twice as many males as females who have tested positive for the disease.

Efforts are now in place to improve the screening of donated blood, and to educate the public on the risks associated with unprotected sexual practices, and reusing or sharing needles. CSOs including the AIDS Task Force have been providing training and counselling services to the community.

(h) **Safe Motherhood**

Baby Friendly Hospital Initiative

Baby -Friendly Hospitals have been established in key hospitals.

With the aim of promoting breastfeeding hospitals and maternity services have been encouraged to adopt practices known to promote the health and wellbeing of babies born in the hospitals as well as mothers. A downside to this is that women are not given the choice to breastfeed or not to breastfeed.

(i) *Ante Natal and Post Natal Care*

Pregnant women attending Ante-natal services routinely receive iron and folate supplements. The Ministry of Health has programmes focussing on healthy nutritional lifestyles which are held during Ante natal visits.

Women are followed up six weeks after delivery with their babies in Post Natal Clinics for a physical check up. They are also counselled in Family Planning.

12.13 The health problems of women in Fiji principally stem from:

- Complications of pregnancy and child-bearing, risks that are exacerbated by the high incidence of anaemia. The 1993 National Nutrition Survey estimated this affected one third of all women;
- Diseases affecting their reproductive organs, particularly cancer and STDs, including HPV which is implicated in the high incidence of cancer of the cervix;
- Overweight and obesity. The 1993 National Nutrition Survey found 41 per cent of Fiji women to be obese, mainly because of diets that are high in fats, salt and sugar. This contributes to complications of pregnancy and the high incidence of *diabetes mellitus*;
- Forms of physical and sexual abuse, domestic violence and sexual abuse being a significant cause of women's injury and death; and
- Social and economic conditions, such as those that contribute to the feminisation of poverty and discrimination. Particularly where they are the head of the household, women are more likely to live in poor conditions, have fewer employment opportunities, and lower incomes;

Article 13: Social and economic benefits

> ***Provisions of CEDAW:***
>
> *States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular :*
>
> - *The right to family benefits;*
> - *The right to bank loans, mortgages and other forms of financial credit;*
> - *The right to participate in recreational activities, sports and all aspects of cultural life.*

13.1 Superannuation is provided for by the Fiji National Provident Fund (FNPF), a compulsory savings scheme. All people aged 15 to 55 years who are employed for 12 or more days a month pay into FNPF 17c for each dollar of wages, half of which is paid by the employer. On retirement, the member can withdraw a lump sum or receive an annual pension and on death, the contribution is paid to a nominated person, usually a family member. The scheme also provides credit for home ownership. While FNPF provides a valuable source of financial security for many paid workers, it does not routinely cover people who work in the informal sector or domestic workers, although they make take up voluntary membership. In effect it therefore excludes a large part of the economically active population, particularly women, although many women benefit indirectly through their husbands. A voluntary membership scheme for domestic workers has been introduced.

13.2 Since 1999 Government has increased its budget on social welfare. However the welfare provisions do not adequately cover all those in need. The Department of Social Welfare provides assistance to the destitute who are aged, widowed, chronically ill or disabled, deserted wives, or the dependants of prisoners. The monthly allowance between $15 and $80. Other Government assistance includes:

- assistance provided by the Department of Social Welfare to abused, neglected, and orphaned children, and through the Poverty Alleviation Fund which helps poor families to develop a source of income or improve their housing;
- capital and recurrent grants channelled through CSOs to fund social services;
- public legal services through the Department of Social Welfare and the Attorney-General's office (one Legal Adviser available), on the basis of a means test (and the limited issuance of 30 forms per month);
- remittances of school fees for children whose parents jointly earn less than F$5,000 a year, and an exemption for recipients of the Family Assistance Allowance and orphans;
- health services provided by the Ministry of Health for everyone at little or no cost; and
- special assistance to Fijians and rural people through the Departments of Fijian Affairs and Regional Development, including after natural disasters.

Table 21: **Family Assistance Recipients by Ethnic Group and Sex 1996-98**

	1996		1997		1998	
	M	F	M	F	M	F
Fijians	1,712	3,526	1,902	3,896	2,007	4,086
Indians	1,097	3,630	1,155	3,698	1,288	4,124
Others	51	54	54	75	78	97
Total	2,860	7,210	3,111	7,669	3,373	8,307

Source: Department of Social Welfare Annual Report, 1998

13.3 Many CSOs provide welfare services for the poor and disadvantaged, although the demand for assistance sometimes overstretches their resources. The Fiji Poverty Report (1997) analysed the circumstances in which households became impoverished. Two factors stood out: the inherent economic insecurity of many households; and that the immediate causes of impoverishment are becoming more commonplace in Fiji. These include the illness or disability of a family member, particularly an adult; marriage break-up; single motherhood; the inability of a custodial parent to collect maintenance from their ex-partner; and old age. Characteristic of households in long-term poverty are their insecure means of livelihood, their limited employable skills, and the particular economic and social barriers that women-headed households face.

Credit and Loans

13.4 Fiji's laws do not discriminate against women in regard to credit and loans, but procedures and practices may make it difficult for women to access them. Some requirements apply equally to men and women, such as proof of regular income, provision of collateral, or letter of guarantee. Yet access to credit is biased to favour men, for it depends on factors such as level of income, ability to provide collateral and meet the required initial deposit, and the practices of particular lending institutions. For example, in 1993, the Fiji Development Bank approved 5,071 loans of which 75 per cent were to men, 14 per cent to joint borrowers, and only 11 per cent to women. By value, only 5 per cent of these loans went to women.

13.5 Women's restricted access to credit is being partly addressed through some special schemes, such as the Special Loans Scheme to Fijians and the New Zealand Loan Scheme for women and rural people, both operated by the Development Bank. Under these schemes in 1993, the bank approved loans to 577 women with a total value of F$6.7 million, the average value being F$11,562. Women borrowed for residential or commercial real estate, retail and wholesale trade, and agriculture, the latter accounting for half the loans. The Ministry of Women also operates a microcredit scheme for women to encourage and assist them to develop small enterprises.

13.6 There are some provisions for public housing for low-income families. The Housing Authority was established in 1955 to provide housing for low-income urban workers. Despite its work and that of the more-recently formed Public Rental Board, the shortage of affordable housing is evident in over-crowding—20 per cent of urban residents live in a single room dwelling—and in the growing extent of informal, or squatter, housing, which now shelters around 25 per cent of urban households.[23] CSOs provide some housing for destitutes, but most low-income housing is provided by the private sector.

13.7 Fiji women participate actively in recreational activities, sports and all aspects of cultural life. Fiji has been well represented by sports-women at local and international events. There is an annual national sports-women and sports-men award competition.

[23] Government of Fiji and UNDP, 1997:86.

Article 14: Rural life

Provisions of CEDAW:

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- *To participate in the elaboration and implementation of development planning at all levels;*
- *To have access to adequate health care facilities, including information, counselling and services in family planning;*
- *To benefit directly from social security programmes;*
- *To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- *To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;*
- *To participate in all community activities;*
- *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

14.1 The Fiji Government has put a lot of resources towards providing all people in Fiji access to basic services, a difficult task in a nation of small, dispersed and rugged islands. Public services and infrastructure are less developed in the remote rural areas and outer islands of Fiji, making communities there relatively disadvantaged. Remoteness is not so much a factor of geographic distance as it is of the infrequency and unreliability of transport and poor communication services. Fiji's road network is expanding steadily, but beyond the main roads on Viti Levu and Vanua Levu, transport is mostly expensive and unscheduled. Even on Viti Levu, communities in the interior of the island suffer remoteness from schools, markets, and services because of poor transport and rough terrain. Their restricted development is apparent in their dependence on traditional crops, few economic opportunities, low educational attainment, and low household incomes.

Utilities

14.2 In 1995, most rural communities still had no telephone connection but telecommunications are quickly expanding into rural areas, aided by recent advances in communications technology.[24] While many rural households are not served by piped water and rely upon bore-holes, wells and small dams, improving rural water supply is a priority programme of the Government, largely operating through self-help projects of local communities and CSOs. The electricity grid is also expanding steadily into rural areas, but many households depend on wood or kerosene for fuel. There have been many experiments with smokeless stoves but most rural women cook on an open hearth, a method which can pose health and safety risks.

[24] Ministry of Fijian Affairs, 1995.

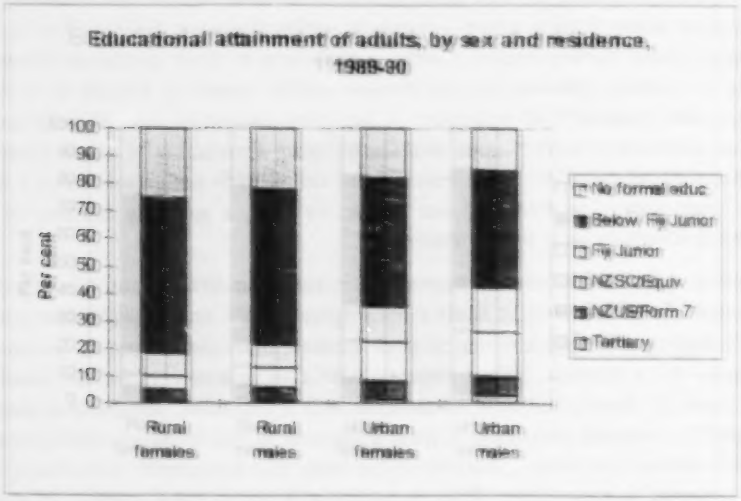
Health services

14.3 Rural people have good access to health facilities. The Ministry of Health's goal is to station a nurse at every inhabited island but is constrained by staff availability. Medical emergencies throughout Fiji can be reached quickly, and the Ministry has an emergency system in place. CSOs, particularly women's organisations, have been active partners with the Government in improving health services. They have also worked to promote better sanitation, nutrition, prevention of diabetes and heart diseases, family planning and environmental protection.

Education

14.4 Rural women are the most disadvantaged group of adults in terms of their educational attainment (Figure 2), although this disadvantage has been rapidly reduced in younger generations with the expansion of rural education in recent decades. Similarly, while there may be some differences between the health status of rural and urban women, these differences have narrowed considerably as health services have expanded to all areas of Fiji.

Figure 2



Source: Fiji Poverty Report, 1997:84

Subsistence Agriculture

14.5 Women who live in rural areas are mostly involved in household work, semi-subsistence agriculture and fishing. Despite the economic value of their work, it is little considered in the national accounts—although subsistence provides around 25 per cent of all agricultural production (Table 22). This is part of the general under-valuing of household and informal sector production, a situation which has skewed national policies and development programmes to focus predominantly on formal sector, export-led growth, away from sustainable livelihoods and food security.[25] A principal reason that household production has been under-valued by economic statisticians has been the lack of an adequate collection of data from households.[26] A recent study of women's economic participation

[25] United Nations, 1997:1.

[26] Frommonger et al., 1997:42.

recommended that the valuation of household or non-market production can best be done through satellite accounts, using methodology proposed by INSTRAW, 1995.[27]

Table 22 : **Estimated contribution of subsistence agriculture to total agriculture and GDP, 1989-1994**

	1989	1990	1991	1992	1993	1994
Subsistence agriculture ($mill)	51.2	51.8	52.5	53.3	51.7	52.7
Total agriculture	139.6	181.9	179.4	184.9	186.1	199.9
GDP at factor cost	815.1	853.6	858.5	884.9	902.8	931.4

Source: Ministry of Finance, 1994.

14.6 Commercialisation and degradation of environmental resources are eroding livelihoods in some areas. For example, a recent survey on Viti Levu showed that subsistence fishing is a major element in household sustenance. Over 99 per cent of the households surveyed consumed marine products at least once a week (most through purchase), 9 per cent of households depend on fishing as their main source of income, and 45 per cent of Fijian women—the most active fishing group—regularly undertake some fishing. The artisanal catch of coastal Fijians thereby makes a large contribution to their household incomes.[28] Yet depletion of inshore fisheries around densely settled places is evident in declining yields and increased cases of fish poisoning. It has been caused by coastal pollution and siltation, use of destructive technologies, and the growing demands of a larger population and a more commercial economy. As a result, some households are experiencing a steady narrowing of their access to river and sea foods. As well, a growing number of rural households are land-less or lack secure tenure.

14.7 The distribution of poor households mirrors the rural-urban distribution of the national population, meaning that poverty is fairly evenly spread, with only a slight bias towards rural areas. A disproportionate number of poor households—almost one in seven—are, however, headed by a woman. This compares with one in every 16 of the wealthiest households. Table 23 shows that most households with a widowed, separated or divorced head are headed by women, and there is little difference in this between rural and urban areas. Married women are rarely described as the head of a household, even though they may be the principal bread-winner. This is particularly so in rural areas. In general, therefore, where a woman is described as the head of a household, this reflects some degree of disadvantage, not her choice.[29]

[27] Ironmonger et al., 1997:47; INSTRAW, 1995.
[28] Rawlinson et al., 1995.
[29] Government of Fiji and UNDP, 1997:53.

Table 23 : **Per cent of poor households that are headed by women, by marital category and area, 1990-91**

Marital status	Never married	Married	Widowed	Separated or divorced	All categories
Urban	46	3	80	67	22
Rural	16	1	78	65	13
Both urban & rural	33	1	79	66	15

Source: Fiji Poverty Report, 1997:53

14.8 Rural women are as equally constrained as all women in Fiji from participating in decision-making outside their community. Only 7 per cent of the members of Rural Local Authorities and 5 per cent of the members of the 14 Provincial Councils are women.

Article 15: Equality before the law

Provisions of CEDAW:

States Parties shall accord to women equality with men before the law.

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

15.1 Section 38 of the 1997 Constitution states: *Every person has the right to equality before the law.*

15.2 While this right was implied in some provisions of the 1990 Constitution, it was not explicitly stated. Some provisions even suggested otherwise, such as the provisions on citizenship (sections 26 and 27) which denied women certain citizenship rights and privileges. The 1997 Constitution thereby marks positive progress towards Article 15 of Women's Convention by eliminating any legal basis by which women could be considered to have less legal capacity than men.

15.3 Although legislation may be gender neutral, judicial interpretation and attitudes of law enforcement officers can still adversely affect women, as has been discussed earlier. Women are also constrained in fully exercising their rights by traditional practices and customs, such as the superior status that is commonly given to a husband and his family, with marriage.

15.4 Not all women are aware of their legal rights or responsibilities. For example, some women passively accept practices that may not be in their favour, such as not being recorded as co-owners in documents of titles or other transactions involving family assets. The law often does not require this as standard practice.

15.5 In order for women to fully benefit from the new provision of the Constitution, it is therefore necessary to promote awareness and understanding of section 38 through public information and legal literacy programmes.

Article 16: Personal and family law

Provisions of CEDAW:

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women :

- *The same right to enter into marriage;*
- *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
- *The same rights and responsibilities during marriage and at its dissolution;*
- *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, in all cases the interests of the children shall be paramount;*
- *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- *The same rights and responsibilities with regard to guardianship, ward-ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- *The same personal rights as husband and wife, including the right to choose a family name, a profession and occupation;*
- *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

16.1 The Law Reform Commission is reviewing various legislation relating to family law with a view to removing discriminatory biases in their interpretation, application and enforcement. In regard to this provision of Women's Convention, the relevant legislation under review are the Legal Aid Act, the Marriage Act, the Matrimonial Causes Act and the Widows and Orphans Pension Act. While for the most part these laws are stated in gender neutral terms, women are sometimes disadvantaged through their interpretation, application and enforcement.

Minimum Marriage Age

16.2 Under the Marriage Act, the minimum marriage age is 16 years for women and 18 years for men, with parental consent is required until either party is 21 years of age. It is proposed in the review of Family Law by the Fiji Law Reform Commission that the minimum age at marriage for females be raised from 16 years to 18 years. Where consent is withheld the party concerned may apply to the courts for consent. Women and men have the same right to enter into marriage and to freely choose their spouse. While arranged marriages occur in some communities, particularly Indian, both parties must consent.

16.3 The law in Fiji is based on cultural norms and values that entrench the institution of marriage, making it difficult for both men and women to obtain a divorce no matter how untenable their marriage has become. The difficulties for women are greater because of their general lesser access to money. There are particularly few sources of social support for Indian women who want to leave their marriages, even violent ones, as is evident by their high rates of suicide.[30] Fijian women face less cultural approbation but marriage break-up still brings a real risk of destitution, sometimes with banishment from home and forced relinquishment of her children to their father's family. There is a growing demand for the services of CSOs which provide counselling and support for women in difficult circumstances.

Divorce

16.4 Grounds for divorce are specified in section 14 of the Matrimonial Causes Act, namely: adultery, desertion, non consummation, cruelty, bestiality, drunkenness, imprisonment, unsound mind; and other causes. Divorce is fault based which can present heavy emotional and financial burdens to both parties, but particularly so to women. Although most grounds for divorce are framed in gender-neutral language, the burdens of proof required, the social pressures women experience, the long waiting periods involved, and the financial costs incurred, make it difficult for women to escape unhappy marriages.

16.5 There are various difficulties in establishing proof. For example, in cases of habitual cruelty, the law does not recognise mental cruelty as a ground on its own. There must be proof of real injury to health or a reasonable apprehension of such. This requires that women who suffer from mental cruelty must endure it unless it occurs concurrently with persistent physical cruelty. This, in turn, requires police and medical reports and preferably a conviction for assault. Until recently, women have had difficulty getting police or the courts to take domestic violence seriously and to get convictions for domestic assault. The law thereby indirectly sanctioned violence against women.

16.6 There are other technical difficulties over some grounds for divorce. For example, a person may divorce if their spouse has been convicted of a crime for which the punishment is death, life imprisonment, or a sentence of five years imprisonment or more. But to apply on this ground, the spouse must be in prison when the divorce petition is filed. As the courts usually imprison for periods of less than five years, some women find themselves without financial support for several years yet unable to remarry. Similarly, in order to qualify for divorce on the grounds that the husband has tried to murder or 'unlawfully kill' his wife or deliberately and intentionally committed 'grievous bodily harm' on her, the courts have had to convict the husband of this crime. Where women choose not to charge their husbands but only want a divorce, the law does not give them this option. Divorce can only be applied for after three or more years of marriage—the exceptions being wilful refusal to consummate the marriage or adultery (section 30, Matrimonial Causes Act). In cases of persistent cruelty, this effectively requires that women face up to three years of legally condoned violence before divorce can be considered. For women who do not have paid employment, their burden is greater as they may be without a means of financial support for three years or more. It is possible in exceptional situations of suffering, harm, hardship or oppression to apply to the High Court for special dispensation for divorce prior to the three year limitation period, but this is costly.

[30] Lateef, 1990.

Matrimonial Property

16.7 The distribution of matrimonial property upon divorce is governed by section 86 of the Matrimonial Causes Act, and the common law. 'Matrimonial Property' is all property acquired by married parties after their marriage. Jurisdiction of the Domestic Courts is limited to $15,000. Any claims beyond this must go to the High Court, which can operate against women as it involves greater legal and time costs. The principle of equal partnership in a marriage is not recognised in the distribution of matrimonial property upon divorce. Instead, courts base the distribution of property on the relative contributions to family income made by both parties, but disregarding domestic, unpaid labour performed by women. This is notwithstanding section 86 which states that settlement of property will be based on what is 'just and equitable.' It is based on a common law principle, not on legislation. Thus the position of women depends on judicial interpretation of women's roles within marriage. In effect, it can mean that even if she gets custody of the children, a woman may be left homeless.[31]

16.8 The circumstances in which women may get a share in matrimonial property if the matter is either litigated or negotiated are limited to the following:

a) If a woman is in paid employment, if the matrimonial property was bought after marriage and her name is on the title to the property, she is entitled to a proportion of the value of the property according to the financial contribution she made to the purchase of the home or mortgage payments or family income. Even if her name is not on the title, her earnings are taken into consideration. The fact that a woman's name is on the title gives her some security as it means that her husband cannot sell the property without her consent. This situation is the most favourable but rarely occurs as women rarely earn the same incomes as their husbands.

b) If a woman is doing unpaid work in the home and her name is on the title to the matrimonial home she may use this to negotiate a settlement because the husband cannot sell the house without her approval. The law however does not secure her position and her name on the title merely gives her ability to negotiate a settlement.

Maintenance

16.9 Maintenance is granted only to legally married wives, not to *de facto* wives irrespective of the duration of the relationship. Under Fiji law, both parents are responsible for providing sufficient care and support for their children. Both legitimate and illegitimate children are therefore eligible for maintenance although the age until which child maintenance is paid differs according to their status, being until 18 or 16 years for legitimate and illegitimate children, respectively. The mother must prove paternity of an illegitimate child in order to claim maintenance, and do so within 12 months of his or her birth.

16.10 The needs of the woman and her children are not a main consideration in the Court's assessment of the maintenance to be paid. Maintenance awards are mostly based on the father or husband's ability to pay, usually no more than one third of his income. Most maintenance orders are for minimal amounts, F$5 to F$7.50 a week, although this amount cannot support a child adequately if the other parent cannot work.[32] Maintenance can be withdrawn from a legal wife if she has a sexual relationship even if she is legally separated.

[31] Jalal, 1991.
[32] Children's Coordinating Committee, 1996.

16.11 One problem with the payment of maintenance is the great number of defaults. Only 19 per cent of all maintenance orders are paid regularly; 35 per cent are paid intermittently; and almost half are not paid at all.[33] As there is no reliable way of enforcing maintenance orders, many children are deprived of education and a reasonable standard of living. As divorce and family separation are becoming more commonplace, many single mothers find it difficult to meet the basic needs of their children, and this is contributing to a growing number of children who resort to stealing and pandering to support themselves.[34]

Custody

16.12 The law gives absolute right of custody to a mother only for children born outside of wedlock, where the natural father has no right. For legitimate children, custody can only be considered in conjunction with an application for divorce or maintenance. While both parents have equal rights to custody and there is general acceptance that mothers should get custody, it seems that the courts require the mother must be a "good mother" inferring that she must be of good behaviour and be "chaste" as well.

16.13 As explained earlier, the principle of equal partnership within a family is being promoted by the Government, CSOs and religious organisations. This should involve not just shared responsibilities and equal rights of ownership and management of property. The Ministry of Women and some CSOs promotes this message and other knowledge of women's legal rights through legal literacy programmes.

[33] Children's Coordinating Committee, 1996
[34] Adinkrah, 1995

CONCLUSION

Positive steps have been taken towards improving the position of women since Fiji's accession to the Convention on Eliminating All Forms of Discrimination Against Women in August 1995. Substantive advancements in this respect were incorporated in the Constitution of 1997. Furthermore, the Law Reform Commission is now reviewing various legislation relating to the family, children and gender status, with a view to removing discriminatory provisions that influence the interpretation, application and enforcement of the law. In regard to Government policies and programmes, the Ministry of Women developed the *Women's Plan of Action: 1999-2008* to meet the commitments made by the Government of Fiji at the UN Conference on Women, held in Beijing in 1995.

In practice, however, various forms of intentional and unintentional discrimination against women remain in force. In all aspects of discrimination, women's attitudes have also contributed to support these practices. Given the new legal environment provided by the 1997 Constitution better understanding by women of their rights and potential can be a powerful way to further reduce and remove practices which disadvantage them. The Ministry of Women and women's organisations will use this report to CEDAW as an advocacy tool to bring public and Government attention to these remaining anomalies, and to increase the awareness of Fiji women about their rights and opportunities for advancement.

REFERENCES.

Adinkrah, M. 1995. *Crime, Deviance and Delinquency in Fiji*, Fiji Council of Social Services, Suva.

Asian & Pacific Development Centre, Gender and Development Programme. 1999. *Asia-Pacific Post-Beijing Implementation Monitor:1999 Health.* Vinlin Press Sdn Bhd, Kuala Lumpur, Malaysia

Bureau of Statistics. 1989. *Analytical Report on the Demographic, Social and Economic Characteristics of the Population from the 1986 Population Census.* Government Printer, Suva.

Bureau of Statistics. 1994, *Current Economic Statistics.* Government Printer, Suva.

Bureau of Statistics, 1997. *Annual Employment Survey, 1993.* Government Printer, Suva.

Bureau of Statistics, 1998, *Annual Employment Survey, 1996.* Government Printer, Suva

Bureau of Statistics, 1998, *1996 Fiji Census of Population & Housing,* Government Printer, Suv

Department of Social Welfare, *Annual Report 1998* **(Unpublished)**

Department for Women and Culture. 1994. *Women of Fiji, A Statistical Gender Profile.* Government Printer, Suva.

Emberson-Bain, A. and C. Slatter. 1995. *Labouring Under the Law.* Fiji Women's Rights Movement, Suva.

Fallon, J., and T. King, 1995. *The Economy of Fiji: Supporting Private Investment*, AusAID, National Capital Printing, Canberra.

Fiji Children's Co-ordinating Committee, 1995. *Fiji Status Report on the Convention on the Rights of the Child,* UNICEF, Suva.

Fiji Daily Post, Pg 8, 20 Jan, 2000

Fiji Police Force, 1995. *Crime Annual Report.*

Government of Fiji. 1993. *Opportunities for Growth: Policies and Strategies for Fiji in the Medium Term.* Parliamentary Paper No. 2. Government Printer, Suva.

Government of Fiji 1997. *Constitution.* Government Printer, Suva

Government of Fiji and UNDP, 1997. *Fiji Poverty Report*, UNDP, Suva.

Government of Fiji and UNICEF, 1997. *A Situation Analysis of Children and Women in Fiji, 1996.* UNICEF, Suva.

House, W. 1995. *Gender issues for investigation in labour markets in the Pacific: some data and research prerequisites for policy formulation.* Discussion Paper 11, Support Team for the Pacific, UNFPA, Suva.

ILO, 1997. *Fiji: Toward Equality and Protection for Women Workers in the Formal Sector.* ILO/UNDP TSS1 Report, ILO, Suva.

INSTRAW, 1995. *Measurement and Valuation of Unpaid Contribution: Accounting Through Time and Output.* INSTRAW, Santo Domingo.

Ironmonger, D. and H. Hill, 1997. *Women's Economic Participation in Five Pacific Island Countries: a study of Fiji, Solomon Islands, Vanuatu, Western Samoa and Tonga.* (in draft)

Jalal, I. 1998. *Law for Pacific Women: A Legal Rights Handbook*. Fiji Women's Rights Movement, Suva.

Lateef, S. 1990. "Rule by Danda: Domestic violence among Indo Fijians", *Pacific Studies*, Vol 13, No. 3, pgs 43-62

Ministry of Education & Technology. 1998. *Annual Report for the year 1997*. Parliamentary Paper No.12. Fiji. Government Printer, Suva

Ministry of Education, Women, Culture, Science and Technology. 1995. *Annual Report*. Parliamentary Paper No. 25. 1996. Government Printer, Suva.

Ministry of Justice, 1988. Guidelines in Sentencing for Rape. Circular Memorandum No. 1. 1988, Chief Justice. Government Printer, Suva.

Ministry of Health. 1993. *Annual Report*. Parliamentary Paper No. 59. Fiji. Government Printer, Suva.

Ministry of National Planning 1997. *Development Strategy for Fiji: Policies & Programmes for Sustainable Growth* Parliamentary Paper No. 58. Government Printer, Suva

Ministry of Women & Culture. 1999. *National Report on the Implementation of the Beijing Platform for Action*. Quality Print, Suva

Ministry of Women & Culture. 1998. *The Women's Plan of Action: 1999-2008. Vol 1 & 2*

Plange, N. 1990. 'Report on Prostitution.' Department of Sociology, University of the South Pacific, Suva. Mimeo.

Public Service Commission, 1993. *Public Service Commission General Orders*. Government Printer, Suva.

Reeves, P., T. Vakatora, B. Lal, 1996. *The Fiji Islands: Towards a United Future. Report of the Fiji Constitutional Review Commission*. Parliamentary Paper No. 34, Government Press, Suva.

Rawlinson, N., D. Milton, S. Blaber, A. Sesewa, and S. Sharma, 1995. *A survey of the subsistence and artisanal fisheries in rural areas of Viti Levu, Fiji*, Australian Centre for International Agricultural Research, Canberra.

Senate Select Committee. 1995. *Housing Authority and the Public Rental Board*. Parliamentary Paper No. 33. Government Printer, Suva.

United Nations Development Programme, 1995. *1995 Human Development Report*, Oxford University Press, Oxford.

United Nations Development Programme, 1999. *Human Development Report 1999*, Oxford University Press, Oxford

United Nations Fund for Children, 1996. *Situation Report on Women and Children in Fiji*, UNICEF, Suva.

United Nations, 1996. *Time to Act: The Pacific Response to HIV and AIDS*, United Nations, Suva.

United Nations, 1997. *Sustaining Livelihoods: Promoting Informal Sector Growth in Pacific Island Countries*, UNDP, Suva.